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FINAL ENVIRONMENTAL IMPACT REPORT- Proposed for Planning Commission Consideration

280 Divisadero Street Carriage House

PLANNING DEPARTMENT
CASE NO. 2001.1056E

STATE CLEARINGHOUSE NO. 2008062080

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INTRODUCTION

The 280 Divisadero Street carriage house is part of a designated city landmark (City Landmark No. 190, the Charles L. Hinkel House and Carriage House), and is therefore a historical resource under the California Environmental Quality Act (CEQA). Because the project as proposed would result in demolition of the carriage house under the definition set forth in Article 10 of the San Francisco Planning Code, thereby constituting a significant adverse change to the resource, an EIR must be prepared for the proposed project. The project would also include construction of a new approximately 1,300-square-foot building on the landmark site, and the effect of the new construction is also evaluated in this EIR.

The purpose of the EIR is to provide decision-makers and the public in general “with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project” (CEQA Sec. 21061).

Chronology

On October 30, 2001, the project sponsor filed an application for a Certificate of Appropriateness, pursuant to Article 10 of the Planning Code, for what was described in the application as exterior alterations to the carriage house on the project site, including a new foundation, replacement of dry-rotted and worn-out wood siding, and installation of new windows for the purpose of converting the building to a residential use. In addition, the application described removal of doors and windows dating from the 1960s, as well as the last remaining original window, and removal and replacement of the garage addition roof and of the existing mansard shingle roof of the carriage house.

Planning Department staff reviewed the application and determined that the proposed project was more visually elaborate than staff deemed appropriate for a building originally developed and used as a secondary structure on the lot, and recommended that the design be simplified.

On December 19, 2001, the project was heard at the Landmarks Preservation Advisory Board’s Architectural Review Committee (ARC). At that meeting, ARC members expressed differing opinions about the proposal, but recommended that the project design be simplified before it was presented to the full Landmarks Board for a recommendation on the application for a Certificate of Appropriateness.

The project was presented to the full Landmarks Board on September 18, 2002. At that meeting, staff recommended that the Landmarks Board advise the Planning Commission that the project would adversely affect the Charles L. Hinkel House and Carriage House. The Landmarks Board considered three

- motions—to continue the matter to another meeting,¹ to support the staff recommendation, and to support the project. The Landmarks Board did not pass any of the motions, and the Landmarks Board thus took no action on the Certificate of Appropriateness. Lack of action by a previous Landmarks Board does not constitute grounds for delaying or postponing a subsequent hearing on a complete Certificate of Appropriateness application; with the passage in November 2008 of Proposition J, this hearing on the Certificate of Appropriateness will be held by the Historic Preservation Commission, following Planning Commission certification of the EIR.

In light of the lack of action by the Landmarks Board and the Department staff conclusion that the project as proposed would constitute a significant adverse effect on historical resources, the Planning Department's Major Environmental Analysis division determined that preparation of an EIR was required. An Initial Study was published on March 20, 2004, and concluded that, with the exception of historical resources, the proposed project would not have any significant effects on the environment.

Subsequent to publication of the Initial Study, Planning staff, in conducting further review of the proposed project, determined that the project would be considered “demolition” of the carriage house under the standards set forth in Article 10 of the Planning Code (see further discussion in Section III.A, p. 31). Therefore, whereas the Initial Study described the proposed project as renovation of and alterations to the carriage house, this EIR describes the project as “demolition” of the carriage house and construction of a new residential structure at the same location. Because the change in description is a matter of terminology and interpretation of the Planning Code, rather than a change in the physical description of the proposed project, none of the physical changes identified in the Initial Study need be revisited.

No building permit application has been filed in connection with the proposed project.

¹ According to the project sponsor, he realized that the amount of information he wished to present to the Landmarks Board was overly lengthy, and he indicated that he wished to submit it before the hearing of the Landmarks Board in written form prior to a decision on his application.

CHAPTER I

Summary

A. Project Description (p. 9)

The project site is at 280 Divisadero Street, on the eastern side of Divisadero Street between Page and Haight Streets, in the Lower Haight neighborhood of San Francisco's Western Addition district. The site (Assessor's Block 1238, Lot 23) consists of a single parcel, and is 6,875 square feet in area. The project site contains two structures: a four-story single-family dwelling (the "main house") and a two-story building that originally served as a carriage house for the property (the "carriage house") and the upper floor of which was used as a second residential unit beginning at some time before 1964;² this use was apparently abandoned around 1981. The project site, including both structures and the entire lot, is City Landmark No. 190, the Charles L. Hinkel House and Carriage House, named after the builder. The proposed project is limited to the carriage house; no changes to the main house are proposed. The carriage house, located at the rear property line, in the northeastern corner of the project site, is not visible from the street.

The project sponsor proposes to alter the carriage house, which is in disrepair. Reportedly, the building was last occupied in 1981. The proposal includes both exterior alterations and interior structural repairs, so that the essentially new building can be used as a second residential unit on the lot. Because residential use of the carriage house was never permitted, however, the project proposes to make the residential use a legal, permitted use for the first time.

Based on the proposed work, Planning staff has determined that the project would be considered "demolition" of the carriage house under the standards set forth in Article 10 of the Planning Code, Preservation of Historical Architectural and Aesthetic Landmarks.³ Planning Code Section 1005(f) defines demolition, for purposes of Article 10, as (1) removal of more than 25 percent of the surface of all external walls facing a public street(s); (2) removal of more than 50 percent of all external walls from their function as all external walls; (3) removal of more than 25 percent of external walls from function as either external or internal walls; *or* (4) removal of more than 75 percent of the building's existing internal structural framework or floor plates (unless the City determines that such removal is the only feasible means of achieving the seismic standards of the Building Code). Planning Department preservation

² The project sponsor disagrees with the Planning Department's determination that only the upper floor of the carriage house was used as a residence. The project sponsor asserts that the carriage house was used as residential on both floors.

³ Based on current Building Code standards, the proposed project is not anticipated to be defined as "demolition" by the Department of Building Inspection.

planning staff, based on its review of plans and the project description submitted to date, has concluded that it appears that either or both of conditions 1 and 4 apply.

The proposed exterior work would include: construction of a new perimeter foundation; installation of new structural framing; installation of a new front door; installation of new ground-floor windows, including removal of the existing large doorway to the right of the front door; removal and replacement of the existing non-historic aluminum-frame sliding door at the second-story dormer with a new wood sash window; and reconstruction and narrowing of the dormer and addition of a new pyramidal cupola atop the new dormer as a decorative element. Two new oval-shaped wood sash windows would be installed in the western (front) slope of the existing Mansard roof. Exterior wood siding would be removed from the framing system to allow for the installation of both insulation and a new vapor barrier, then reinstalled, as feasible, based on condition, and replaced, in kind, where necessary. New decorative wood trim would be added around the new doors and windows, along a new horizontal trim line between the first and second floors, and at the corners of the building. A new outside deck would be constructed atop an existing non-historic carport (which is attached to the carriage house), with a new doorway leading to the deck from the second floor of the structure. The sponsor proposes to add new decorative iron cresting along the roofline and a new weathervane atop the cupola.

The project also would include installation of new utilities, including pumps for wastewater and storm water. The existing single-car carport would be converted to an enclosed garage with installation of a new garage door. There would be no change in parking capacity, and the square footage and height of the carriage house would be unchanged from its present condition, with the exception of the new cupola, or tower, which would rise about 9 feet above the existing roofline.

As discussed above, the extent of the proposed work is substantial enough that the Planning Department considers the proposed project to be demolition and new construction.

B. Main Environmental Effects

This environmental impact report, for the 280 Divisadero Street Carriage House project, focuses on issues regarding historic architectural resources. All other potential environmental effects were found to be at a less-than-significant level or to be mitigated to a less-than-significant level with mitigation measures to be implemented by the project sponsor. (Please see the Initial Study, included in this document as Appendix A, for analysis of other issues. Mitigation measures are also discussed on p. 5 herein, and in Chapter IV.)

Historic Architectural Resources (p. 29)

The carriage house is a contributing element of City Landmark No. 190, making the carriage house a historical resource under CEQA. The proposed project would be a demolition of the carriage house (under the standards set forth in Article 10) and would, therefore, constitute a significant and unavoidable impact, which would not be mitigated to a less-than-significant level. (Mitigation identified in Chapter IV

would reduce the significant effects of the demolition and new construction, but not to a less-than-significant level. The project sponsor has agreed to implement the mitigation measure set forth in Chapter IV.)

Once it had been determined by Planning staff that the alterations to the existing building would constitute demolition under the standards set forth in Article 10, a second component of the analysis was necessary to evaluate the impact of the proposed new construction at the location of the carriage house on the overall landmark site. A review of the proposed project was conducted, as part of the EIR analysis and under contract to the EIR consultant, by an architect with experience in working with historic buildings in San Francisco and the Bay Area. That analysis (the “historic architectural review,” included in Appendix C of this EIR) evaluated the consistency of the proposed new construction with the *Secretary of the Interior’s Standards for Rehabilitation* (“Secretary’s Standards”), and determined that the development of the new residential unit through new construction at the site of the carriage house would generally be consistent with the Secretary’s Standards. Planning Department preservation planning staff, however, disagrees with many of the conclusions of the historic architectural review. In particular, Department staff found that the project would create a false sense of historical development. Because of the elaborate detail in the design of the new residential structure proposed at the location of the carriage house, Planning staff determined that the new residential structure would no longer be secondary to the main house, as was the case in the historical relationship between the main house and the carriage house, concluding that the main house, which would remain, “would appear as but one element of a new composition bearing little relationship to the historic appearance of the property. As a result, the historic character of the overall property and its environment would be destroyed.”⁴

In light of the above, for purposes of a conservative analysis, based on Planning Department preservation staff’s conclusions, both the demolition (under the standards set forth in Article 10) of the carriage house and the construction of the proposed new residential building, which Planning staff has found to be inconsistent with the Secretary’s Standards, are considered to result in significant adverse effects on historical resources under CEQA.

As described herein, particularly in Section III.A, Historic Architectural Resources, Impacts, p. 29, and Chapter V, this EIR describes and finds that the proposed project would result in a significant impact on City Landmark No. 190, the Charles L. Hinkel House and Carriage House, for two reasons: (1) the demolition (under the standards set forth in Article 10) of the carriage house; and (2) the new building would be inconsistent with the Secretary’s Standards and would alter City Landmark No. 190 such that the historic character of the overall property, the whole of which is landmarked, and its environment would be substantially adversely affected.

⁴ N. Moses Corrette, Preservation Technical Specialist, Memorandum to Viktoriya Wise, Major Environmental Analysis, November 20, 2006. This memorandum is included in this document in Appendix D.

C. Areas of Controversy and Issues to be Resolved

The primary issue to be resolved is whether the proposed project at 280 Divisadero Street (specifically, the proposed new residential structure) is compatible with the City Landmark designation of the property. Upon review of the proposed project, Planning Department preservation staff recommended that the project design be modified to maintain the new residential structure (carriage house) as a “secondary structure,” subordinate to the main house, and utilitarian in character. As noted in the Introduction, the Architectural Review Committee of the Landmarks Preservation Advisory Board (LPAB) reviewed the project in 2001, at which time all three members present opined that the proposed project design should be simplified, although one member indicated he could support the project and a second recognized a conflict between the project sponsor’s design concerns and the dictates of preservation planning. The full LPAB considered the project in 2002 but was unable to achieve a majority vote either in favor of the proposed design or in support of the staff recommendation that the project would adversely affect Landmark No. 190, the Charles L. Hinkel House and Carriage House. In 2004, a second Planning Department preservation technical specialist reviewed the project and found, consistent with the previous staff determination, that the project would result in a loss of integrity of design, materials, feeling and association of the carriage house. The 2004 staff review also noted that the proposed project would impair “the setting and feeling of the landmark site overall, with a change of the relationship between the two buildings as primary residence, and ancillary structure.”⁵

Because both of these evaluations occurred prior to the determination that the project would result in “demolition” under the standards set forth in Article 10, their focus was on preservation of the carriage house as a subordinate structure to the main house. In 2006, after staff determined that the project would be a demolition under the standards set forth in Article 10, preservation planning staff again reviewed the proposed project, concluding that the project would add inappropriate conjectural features to the proposed new residential structure and that the project would adversely alter the overall character of Landmark No. 190. A review of the proposed project was conducted, as part of the EIR analysis and under contract to the EIR consultant, by an architect with experience working with historic building in San Francisco and the Bay Area.⁶ That analysis, referred to herein as the “historic architectural review,” evaluated the consistency of the proposed new construction with the Secretary’s Standards, and determined that the proposed new structure would be generally consistent with the Secretary’s Standards. This EIR considers the analysis set forth by the Planning Department preservation staff documents as well as the historic architectural review prepared by the consultant.

This EIR assumes that the demolition of the carriage house would be a significant, unavoidable impact, and evaluates the project’s construction of a new residential structure for its impacts on the overall Landmark No. 190, including the main house and grounds.

⁵ N. Moses Corrette, Preservation Technical Specialist, memorandum to Nannie R. Turrell, Major Environmental Analysis Unit, July 12, 2004. This memorandum is included in Appendix D.

⁶ Mark Hulbert, Architect & Architectural Conservator, Preservation Architecture, letter report to Environmental Science Associates, December 7, 2005. The full report is included in Appendix C.

- The Historic Preservation Commission (or Board of Appeals on appeal) will decide whether to approve, approve with conditions, or disapprove the proposed Certificate of Appropriateness. Because the project would involve demolition of the carriage house, under the standards of Article 10, consideration of the Certificate of Appropriateness would involve whether both the “demolition” and the “new construction” of the replacement carriage house would “preserve, enhance or restore, and ... not damage or destroy, the exterior architectural features of the landmark” and “shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting” (Planning Code Sec. 1006.7(b)). Consideration of the Certificate of Appropriateness would not occur until after Planning Commission (or Board of Supervisors on appeal) review and certification of the EIR. In selecting or rejecting project alternatives, decision makers may also use other information in the public record.

D. Mitigation Measures (p. 43)

Mitigation Measure 1—HABS-Level Recordation

The carriage house has been documented as part of the Landmarks Preservation Advisory Board case report, as summarized in this EIR. Nevertheless, further documentation, such as drawings and photographs to the standards of the Historic American Buildings Survey (HABS) should be undertaken prior to demolition. The project sponsor shall complete documentation of the carriage house in accordance with HABS level II standards. The documentation shall include:

- Photographs: Photographs with large-format (4x5 inch) negatives shall be shot of exterior and interior views of the carriage house, and views of the carriage house in the context of the main house and overall grounds of City Landmark No. 190. Historic photos of the carriage house, where available, shall be photographically reproduced. All photos shall be printed on archival fiber paper and fully identified with the name and location of the structure(s), a description of the feature or view being photographed, and the direction in which the photograph was taken, as well as the name of the photographer and the date created.
- Drawings: Architectural drawings (elevations and plans) of the existing carriage house, where available, shall be photographed with large format negatives or photographically reproduced on mylar.

The completed documentation package shall be submitted to local and regional archives, including but not limited to, the San Francisco Public Library History Room, the California Historical Society and the Northwest Information Center at Sonoma State University in Rohnert Park. A non-archival proof set shall be submitted to the Planning Department.

Implementation of this mitigation measure would not reduce the project’s significant adverse impact to a less-than-significant level. CEQA Guidelines Section 15126.4 states that, “In some circumstances, documentation of an historical resource, by of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.” As such, HABS recordation does not fully mitigate the loss of historic structure. Although the primary significance of the carriage house relates to its contextual association with the main house and the overall site of Landmark No. 190, the Charles L. Hinkel House and Carriage House, and not as an individually significant work of architecture, nonetheless, “demolition” of the carriage house, under the standards set forth in Planning Code Article 10, would result in significant, unavoidable impact on historical resources.

The project sponsor has agreed to implement the above mitigation measure.

E. Alternatives to the Proposed Project (p. 46)

The Alternatives chapter identifies alternatives to the proposed project and discusses their environmental effects in comparison to those of the proposed project. The alternatives discussed are the No Project Alternative; Preservation Alternative; Reconstruction Alternative; and New Construction Alternative.

Alternative A: No Project

This alternative would entail no change to the site, which would remain in its existing condition. The carriage house would not be demolished and rebuilt, and would not be legalized and re-occupied as a residential unit. Under this alternative, the carriage house would be expected to continue to deteriorate. Given the current condition of the building, it is likely that it would sustain further structural failure, either due to dry rot or to undermining of the perimeter structural support. It is reasonable to assume that, left untouched, the carriage house ultimately could collapse due to structural failure or could require complete demolition, as it would become dangerous should the structural condition deteriorate beyond a certain point. Demolition would result in similar effects to those of the project. Under this alternative, minor repairs could be made to the carriage house. The No Project Alternative would be environmentally superior to the project over the near term because it would not result in an immediate significant and unavoidable impact due to demolition of the carriage house or new construction inconsistent with the Secretary's Standards. However, this alternative would not meet any of the project sponsor's objectives and in the long term, the demolition of the carriage house might result due to deterioration.

Alternative B: Preservation Alternative

This alternative would include stabilization of the carriage house and repair to correct existing decay, but would not include the alterations to allow the building to be used as a residential unit as is proposed with the project. It is assumed that this alternative would be undertaken consistent with the *Secretary of the Interior's Standards for Preservation*, which are similar to the *Standards for Rehabilitation*, except that they permit less alteration and do not allow for new additions, exterior alterations, or adjacent new construction.

This alternative would avoid the two significant, unmitigable effects of the proposed project: (1) demolition (under the standards set forth in Planning Code Article 10) of the carriage house; and (2) construction of a new structure at the location of the carriage house, which Planning staff has found to be inconsistent with the Secretary's Standards for Rehabilitation. The Preservation Alternative would be environmentally superior to the project because it would not result in an immediate significant and unavoidable impact due to demolition of the carriage house or introduce incompatible new construction. Like the No Project Alternative, the Preservation Alternative would not meet the project sponsor's objectives.

Alternative C: Reconstruction Alternative

This alternative would be consistent with the *Secretary of the Interior's Standards for Reconstruction*, with the goal of reconstructing the exterior appearance of the historic carriage house with new materials. Reconstruction could mean either a new structure identical to the carriage house in its existing state or a new structure as the carriage house was in an earlier state. One option for reconstruction would be based on the recommendations of the Planning Department's preservation technical specialist and drawn from evidence in the building's framing. Under this alternative, at least one large carriage doorway would be re-established in the principal (west) façade of the carriage house. One option would be to infill the carriage doorway in the west façade with a glass wall, with reconstructed barn doors capable of being fixed in the open position. The existing 4/4 window in the north bay of this façade, which is original to the carriage house, would be retained, and a matching window installed to the south. On the second floor, the sliding glass door would be replaced with a fixed glass lower panel, and an operable casement window within the existing opening. Flush-mounted skylights would provide additional light to the upper floor, as would openings in the south façade. Another option could involve re-opening the west-side entry last used for carriages or automobiles, and infilling the opening with a glass wall, with or without reconstructed barn doors – fixed in the open position. The central bay would be used for residential doors within the existing opening, and the single window maintained to the north. Treatment of the second floor would be as described above.

As with the proposed project, this alternative would result in a significant impact due to demolition (under the standards set forth in Article 10) of the carriage house. Unlike the project, however, this alternative would have less-than-significant overall impacts on City Landmark No. 190 as a result of the new construction, and would be designed to be consistent with the *Secretary of the Interior's Standards for Reconstruction*. Other impacts of this alternative would be identical to those of the proposed project, as discussed in the Initial Study (see Appendix A); none of these impacts would be significant. The Reconstruction Alternative would be environmentally superior to the proposed project, because, while it would result in the same significant and unavoidable impact as the project due to demolition of the carriage house, it would not result in new construction that Planning staff has found to be inconsistent with the Secretary's Standards for Rehabilitation, and the associated impacts on the overall City Landmark No. 190. This alternative would meet the project sponsor's objective to allow the carriage house to be used as a second residential unit and to stabilize and structurally enhance the building. However, it would not in the sponsor's opinion achieve the objectives of creating an attractive structure, rather than one that resembles a barn-like structure; providing for adequate interior light with tall first-floor windows and new west-facing windows in the second story; and creating a design consistent with the Second Empire-style architectural features of the main house, including the addition of architectural and decorative elements.

Alternative D: New Construction Alternative

As with the proposed project, this alternative would result in the demolition (under the standards set forth in Article 10) of the carriage house. This alternative would also result in the construction of a new

structure in place of the carriage house. However, the new building would not attempt to reconstruct the carriage house in appearance. This alternative would develop a two-story structure with the carport converted to a garage that would maintain the utilitarian character of the carriage house and a secondary relationship to the main house. The residential entrance would be centered on the west façade and two matching windows would be installed to the north and south. The second floor would also include two matching windows in the north and south bays of the front façade and a dormer in the center. A roof deck would be added atop the garage, accessible by a second-floor doorway. This alternative would result in a substantially less ornate structure than proposed by the project and therefore, generally would be in keeping with the recommendations of the Landmarks Board's Architectural Review Committee, at its 2001 hearing on the project.

As with the proposed project, the New Construction Alternative would result in a significant impact due to demolition of the carriage house. However, unlike the proposed project, the New Construction Alternative would not alter the relationship of the primary main house to the secondary structure that characterizes the City Landmark No. 190. The New Construction Alternative would avoid the potential for creating a false sense of historic development by omitting the elaborate detailing proposed as part of the project. As such, the New Construction Alternative would not adversely impact the historic character of the overall City Landmark and its environment. This alternative would, therefore, be environmentally superior to the proposed project. Other impacts of this alternative would be identical to those of the proposed project, as discussed in the Initial Study (see Appendix A and Section III.C); none of these impacts would be significant.

The New Construction Alternative would be environmentally superior, compared to the proposed project, because while it would result in the same significant and unavoidable impact as the project due to demolition (under the standards set forth in Article 10) of the carriage house, it would not result in new construction that Planning staff has found to be inconsistent with the Secretary's Standards, and the associated impacts on the overall City Landmark No. 190. This alternative would meet the project sponsor's objectives of allowing the carriage house to be used as a second residential unit, providing adequate light for the dwelling unit, and stabilizing and structurally enhancing the building. However, it would not, in the sponsor's opinion, achieve the objectives of creating an attractive structure and creating a design consistent with the Second Empire-style architectural features of the main house, including the addition of architectural and decorative elements. The sponsor believes this alternative retains too much of a barn-like appearance.

CHAPTER II

Project Description

A. Site Location

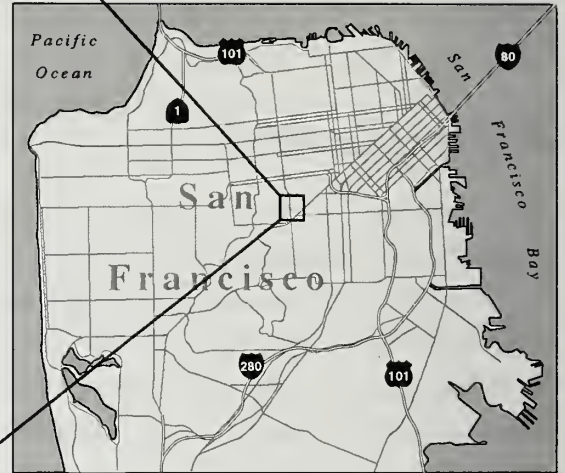
The project site is at 280 Divisadero Street, on the eastern side of Divisadero Street between Page and Haight Streets, in the Lower Haight neighborhood of San Francisco's Western Addition district (see Figure 1). The site (Assessor's Block 1238, Lot 23) consists of a single parcel, and is 6,875 square feet in area. At 50 feet in width, the site is considered a "double lot," in that it is twice the 25-foot width of a typical San Francisco residential parcel. The site is also deeper, at 137½ feet, than a typical 100-foot lot. The project site contains two structures: a four-story single-family dwelling (the "main house") and a two-story building that originally served as a carriage house for the property (the "carriage house") and the upper floor of which was used as a second residential unit beginning at some time prior to 1964,⁷ although the residential use was apparently abandoned around 1981.⁸

The existing main house and carriage house were constructed in approximately 1885. The project site, including both structures and the entire lot, is City Landmark No. 190, the Charles L. Hinkel House and Carriage House, named after the builder. (The history of the property and of Charles Hinkel, a prominent early San Francisco home builder, is discussed in Section III.A, Historic Architectural Resources, p. 24.) The proposed project is limited to the carriage house; no changes to the main house are proposed.

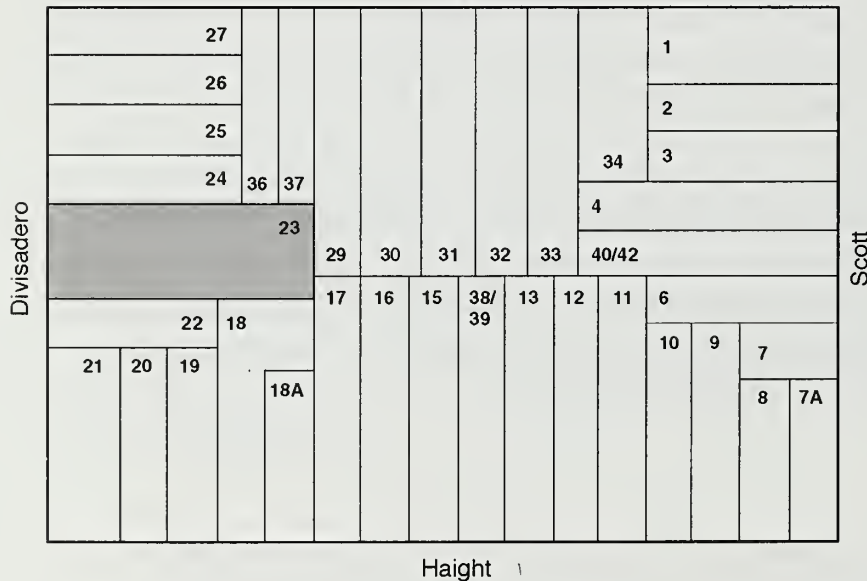
The carriage house is located at the rear property line, in the northeastern corner of the project site, immediately adjacent to the northern property line of the site. Attached to the south side of the carriage house is a newer carport, which extends to approximately the southern property line. Together, the carriage house and carport occupy most of the rear approximately 15 percent of the lot (see site plan in Figure 2, p. 11). The carriage house is not visible from the street because there is a fence and a garage door south of the main house along the Divisadero Street property line.

⁷ The project sponsor disagrees with the Planning Department's determination that only the upper floor of the carriage house was used as a residence. The project sponsor asserts that the carriage house was used as residential on both floors.

⁸ Planning Department Case Report No. 88.755V, an application for a rear yard variance to legalize the use of the carriage house as a second residential unit on the project site, May 18, 1989. Although the case report notes that the carriage house had been in use as a residential unit for some 25 years, no permit for this use had ever been issued. The variance to legalize the dwelling unit was granted, subject to the condition that existing property-line windows on the east wall of the carriage house be removed and replaced with opaque-glass clerestory windows, with a sill height of 6 feet, 6 inches. Because this condition was never satisfied (i.e., the property-line windows remain), the 1989 variance is invalid, and the use of the carriage house as a residential unit was, therefore, not legal. As part of the proposed project, the sponsor would, therefore, request a new rear yard variance to achieve compliance with Planning Code requirements for setbacks and open space.



Page



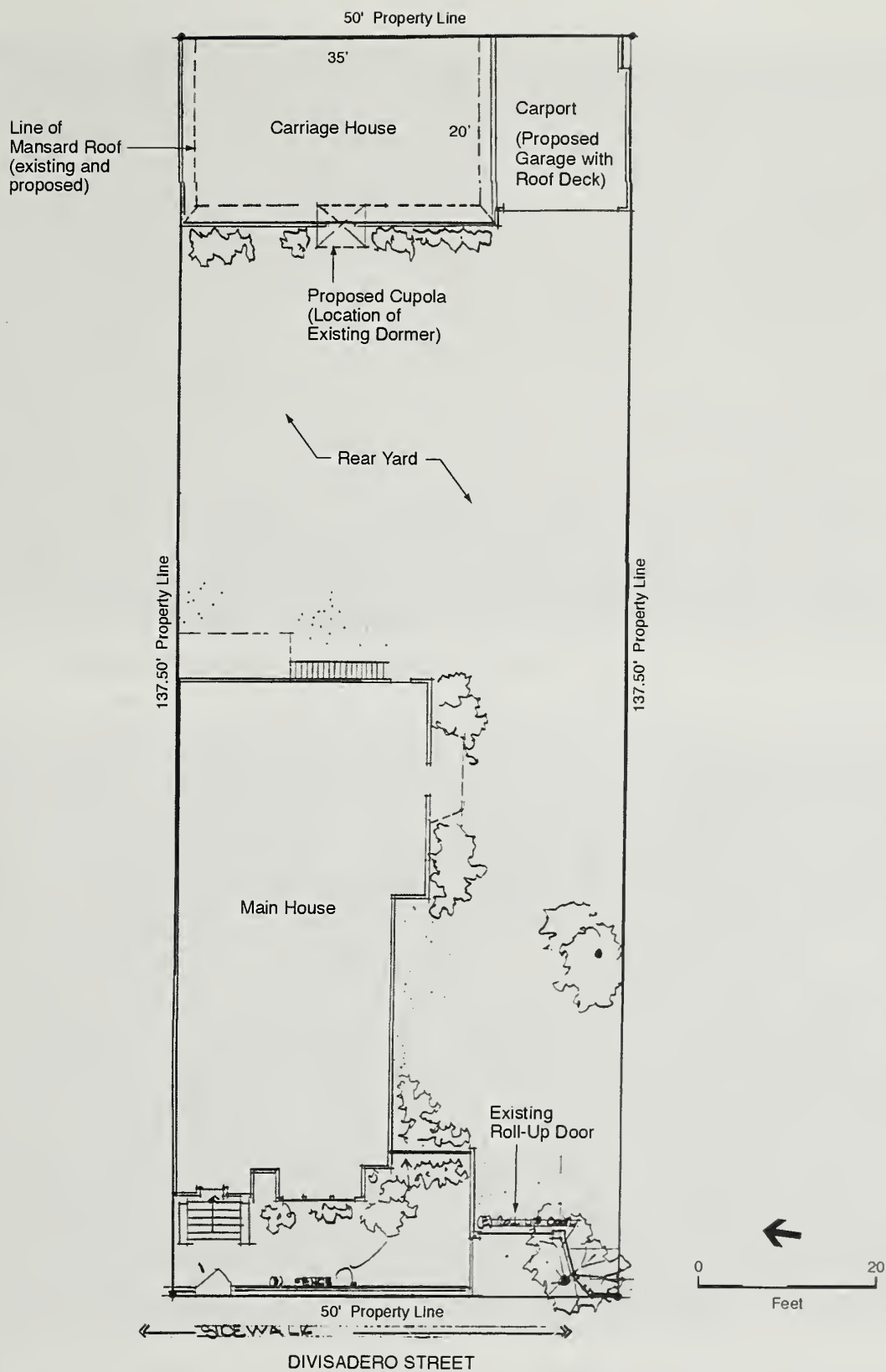
Project Site
Assessor's Block 1238
Lot 23



SOURCES: Environmental Science Associates; San Francisco Planning Department
Map © 2002 California State Automobile Association. Used by permission.

Case No. 2001.1056E: 280 Divisadero Street . 203259

Figure 1
Project Location



SOURCE: Richard Zillman, Project Sponsor

Case No. 2001.1056E: 280 Divisadero Street . 203259

Figure 2
Site Plan (Existing and Proposed)

The carriage house is currently vacant; reportedly, the building was last occupied in 1981. At the time the project sponsor purchased the property in 1994, the carriage house was in a serious state of disrepair. Since the current owner acquired the property, the permit history indicates the carriage house has not undergone any major renovations or upgrades, and it has not been occupied as a residential unit since that time. The existing balloon framing⁹ has sustained dry rot. The front (west) wall of the carriage house sags perceptibly at its center, indicating structural deficiencies, and the front wall also has sustained damage due to dry rot. Figure 3, p. 13, presents photographs of the front façade of the carriage house; the sag in the roofline is evident in the upper photograph. Figure 4, p. 14, depicts a photograph of the building interior.

B. Project Characteristics

The project sponsor owns and lives in the main house on the project site, and proposes to use the carriage house as a second residential unit. The work to be performed was originally defined as rehabilitation of the carriage house while retaining some existing features of the building. Based on the proposed scope of work, Planning staff has determined that the project would be considered “demolition” of the carriage house under the standards set forth in Article 10 of the Planning Code, Preservation of Historical Architectural and Aesthetic Landmarks.¹⁰ Planning Code Section 1005(f) defines demolition, for purposes of Article 10, as (1) removal of more than 25 percent of the surface of all external walls facing a public street(s); (2) removal of more than 50 percent of all external walls from their function as all external walls; (3) removal of more than 25 percent of external walls from function as either external or internal walls; *or* (4) removal of more than 75 percent of the building’s existing internal structural framework or floor plates (unless the City determines that such removal is the only feasible means of achieving the seismic standards of the Building Code). Planning staff has determined that the proposed project would fall within the definition of Section 1005(f). Planning Department preservation planning staff, based on its review of plans and the project description submitted to date, has concluded that it appears that either or both of conditions 1 and 4 apply.

According to the project sponsor, several major alterations are required before both levels of the carriage house can be occupied as a legal residential unit, as follows:

- A complete new perimeter foundation would be installed, which would require that the lowest two courses of siding on the front (west, or Divisadero Street) façade be permanently removed, so that upon completion, the lowest siding board on all four façade would be about 18 inches above the ground (at present, the lowest course of siding is partially buried in the dirt);

⁹ Balloon framing refers to a building framing method, common in the 18th and early 19th centuries, in which studs (the vertical members in the wall) run the entire height of a building (generally no more than two stories), without intervening horizontal beams at the second floor level. Balloon framing is contrasted with the now more-common platform framing, in which the walls of each floor are framed separately.

¹⁰ Based on current Building Code standards, the proposed project is not anticipated to be defined as “demolition” by the Department of Building Inspection.



A. Front (Western) Facade of Carriage House (Note sag towards center of roofline.)



B. Carriage House and Garage

SOURCE: Environmental Science Associates

Case No. 2001.1056E: 280 Divisadero Street . 203259

Figure 3
Photographs of Carriage House



SOURCE: ESA

Case No. 2001.1056E: 280 Divisadero Street . 203259

● **Figure 4**
Carriage House Interior Showing
Dismantled Staircase and Sheathing

- New structural framing would be installed to supplement or replace the existing balloon framing;
- The front (west) façade siding would be completely removed at least up to the second floor level, as well as at least some of the structural framing to which it is attached, in order to repair and replace rotten and compromised structural framing. The second floor level of the siding may be able to be left undisturbed;
- Exterior siding would be reused where feasible, based on condition; however, the sponsor estimates that at least 80 percent of the exterior on the front (west) façade would need to be removed and replaced in order to make the building structurally sound;
- The south side of the building also has dry-rot in the framing that would be replaced. The north side has an exterior door that would be removed, and the opening in the wall closed. (The door would be re-installed for appearance.) In addition, this side and the rear (east) façade must, like the front, have the lower courses of the siding removed to accommodate the new concrete foundation;
- The existing siding would be removed to allow for installation of a vapor barrier, reinstalled where condition permits, and replaced where necessary;
- The shingles on the mansard roof, which are aging and are falling off, would be replaced;
- New utilities would be installed, including water lines for both potable water and fire sprinklers, sewer and storm drainage lines, natural gas, and electrical, telephone, and cable service – all of which must be installed from the front of the lot at Divisadero Street;
- New window openings and new or enlarged windows and doors would be installed to provide adequate light; and
- Decorative elements that the project sponsor believes would present as attractive a façade as possible would be added to the front (west) façade.

With completion of the proposed project, the carriage house would be a second legal dwelling unit on the project site.¹¹ Because the prior residential use of the carriage house was never permitted, and was reportedly abandoned as of 1981, the project proposes to make the residential use a legal, permitted use for the first time.

In addition to the above major alterations, a new front door would be installed, and the existing large doorway to the south (right, when viewed from the front) of the front door would be removed and replaced with a divided-light wood sash window; a matching window would be installed to the north (left) of the front door. The sponsor also proposes to remove and replace the existing non-historic

¹¹ As discussed in detail below (p. 21), the project site is zoned NC-2 (Small-Scale Neighborhood Commercial) and could accommodate up to nine dwelling units based on the zoning district and the size of the site.

aluminum-frame sliding door at the second-story dormer with a new wood sash window. The dormer would be altered to make it narrower and to allow for the window opening to be raised,¹² intended to provide both a more usable floor plan and more natural light at the second floor. In addition, a new pyramidal cupola would be placed above the reconfigured dormer as a decorative element. Two new oval-shaped wood sash windows would be installed in the western slope of the existing Mansard roof; the roof would be re-covered with new roofing material and, except for the cupola and chimney additions, would retain its existing profile.

The primary new exterior material would be “channel rustic”¹³ wood siding, as at present. Where feasible, based on the condition of the existing siding, this material would be reused. However, the project sponsor estimates that at least 80 percent of the ground-floor siding on the principal (west) façade would have to be replaced as some of the siding is known to have dry rot. Therefore, the existing siding would be removed from the framing system to allow for the installation of both insulation and a new vapor barrier, then reinstalled, where feasible, based on condition, and replaced, in kind, where necessary. New decorative wood trim would be introduced around the new doors and windows, along a new horizontal trim line between the first and second floors, and at the corners of the building. Wood sash windows would be installed, including the two new oval windows in the west (front) wall of the Mansard roof, which are intended to provide more natural light than at present to the second floor. A new outside deck would be constructed atop the attached carport, at the second floor of the structure, with a wooden railing along the three sides not adjacent to the south wall of the carriage house. A new doorway to the deck would replace two existing windows in the south wall of the Mansard roof. (The non-historic carport would be converted to a garage by the installation of a roll-up garage door.) A new chimney, visible above the roofline, would be placed near the southwest corner of the carriage house to allow for installation of a wood stove or fireplace. The sponsor proposes additional new detailing, including a new decorative iron cresting along the roofline and a weathervane atop the cupola, a decorative windscreen adjacent to the new deck, and architectural elements, including a small gazebo on the deck and carved wooden posts with finials surrounding the deck.

The project would also include installation of new utilities, including pumps for wastewater and storm water.¹⁴ As noted, the existing single-car carport would be converted to an enclosed garage by installation of a new garage door and reframing of the roof, on top of which would be placed the proposed roof deck. Parking capacity would remain the same as at present; that is, parking for one vehicle in the garage (existing carport). The square footage (approximately 1,300 square feet) and height of the carriage house (currently about 22 feet) would be unchanged from its present condition, with the exception of the new

¹² At present, the second-story window is at floor level. However, the Building Code requires windows to be at least 18 inches off the floor, unless safety glazing is to be used (Simon Tam, Technical Services Division, Department of Building Inspection, telephone conversation, February 6, 2004).

¹³ Channel rustic siding is beveled so that there is a depressed horizontal channel about one inch high between each board.

¹⁴ Because the project site slopes downward from the west, the carriage house, at the rear of the lot, is below the grade of Divisadero Street, and pumps would be required to move wastewater and storm water upgrade to the utility lines in the street.

- cupola, or tower, which would rise about 9 feet above the existing roofline. (A new chimney would also be added.) Both the cupola and the chimney would be visible from the opposite sidewalk, over and above the existing fence and garage door, and somewhat obscured by an existing tree.

Excavation to a depth of approximately 4 feet would be required for construction of the new foundation and for installation of utilities that would run to the carriage house from Divisadero Street. It is not

- anticipated that any substantial amount of soil would be removed from the site. Project construction activity, including trenching for utility lines to serve the carriage house, would avoid the area formerly occupied by what may have historically been a privy,^{14a} along the driveway at the property line, away from the stable, as seen in the 1899 Sanborn map (which is presented on p. C&R-11).

Figure 5, p. 18, shows a simplified line drawing of the front (west) façade of the carriage house, as its major massing features would appear with the changes proposed by the project sponsor. Figure 6, p. 19, depicts the existing front façade of the carriage house, with the major changes proposed by the project indicated by dashed lines, to allow for comparison between the existing and proposed conditions. Figure 7, p. 20, depicts a more detailed rendering of the proposed front façade, as submitted to the Landmarks Preservation Advisory Board.

As discussed above, the extent of the proposed work is substantial enough that the Planning Department considers the proposed project to be demolition and new construction, under the Planning Code.

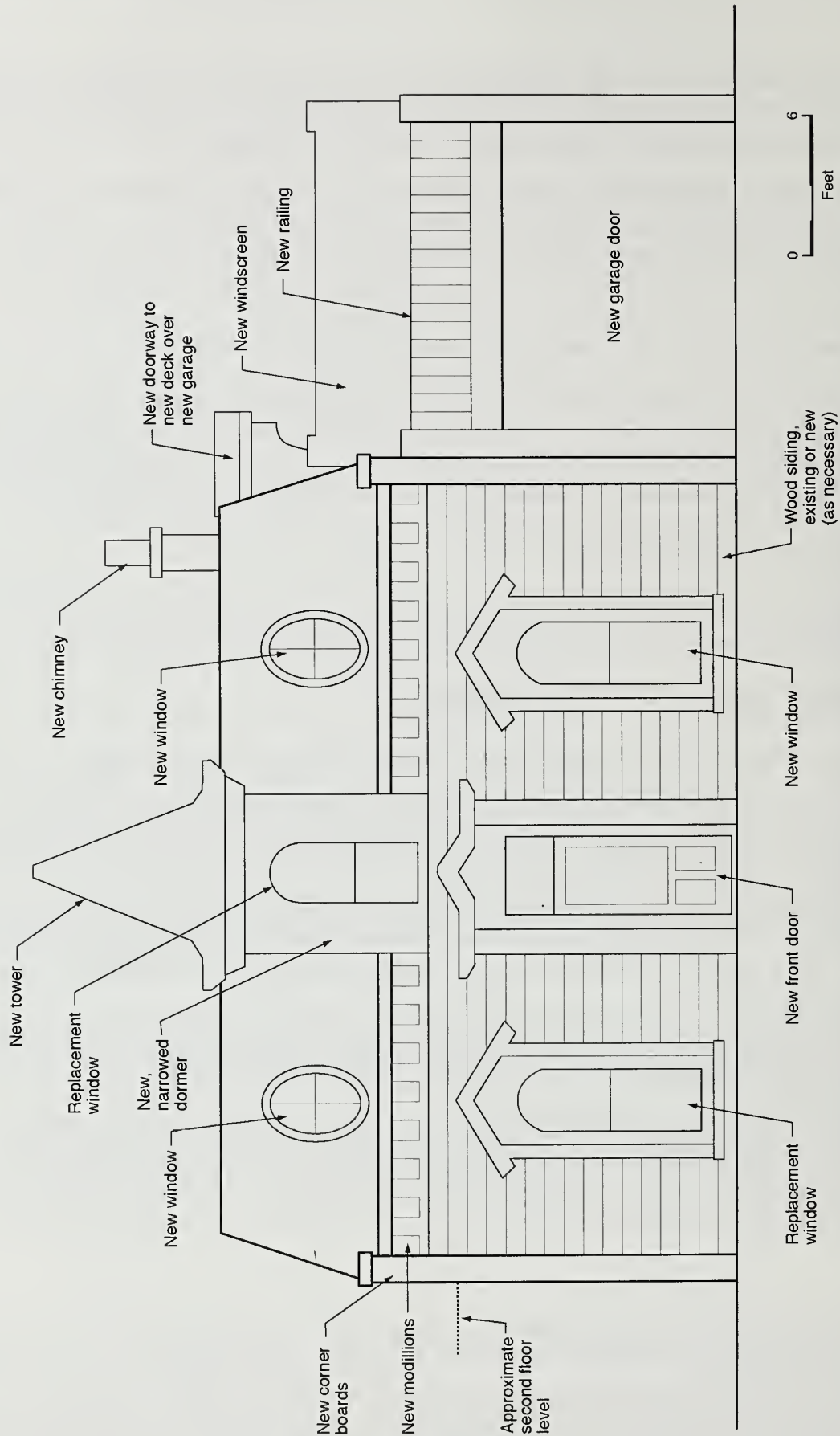
C. Project Sponsor's Objectives

The sponsor seeks to achieve the following objectives in implementing the proposed project.

- Convert the carriage house into a residential unit by undertaking alterations to the building;
- Ensure that the project results in an attractive structure, and does not, in the sponsor's opinion, resemble a barn-like structure;
- Provide for adequate interior light in the dwelling unit by the use of relatively tall first-floor windows and the addition of new west-facing windows in the mansard roof at the second-story level that would allow both floors within the dwelling unit to receive the best-quality, "high" natural light;¹⁵
- Make alterations, particularly on the west (front) façade, in order to maximize the enjoyment of the future occupants and their willingness to pay a rent that would provide a reasonable return on investment;
- Create a design for the new structure consistent with the Second Empire-style architectural features of the main house, including retaining the mansard roof of the carriage house and adding certain architectural features and decorative elements, such as doors and arched windows surmounted by pediments and flanked by columns, a cupola, decorative wood trim and iron work;

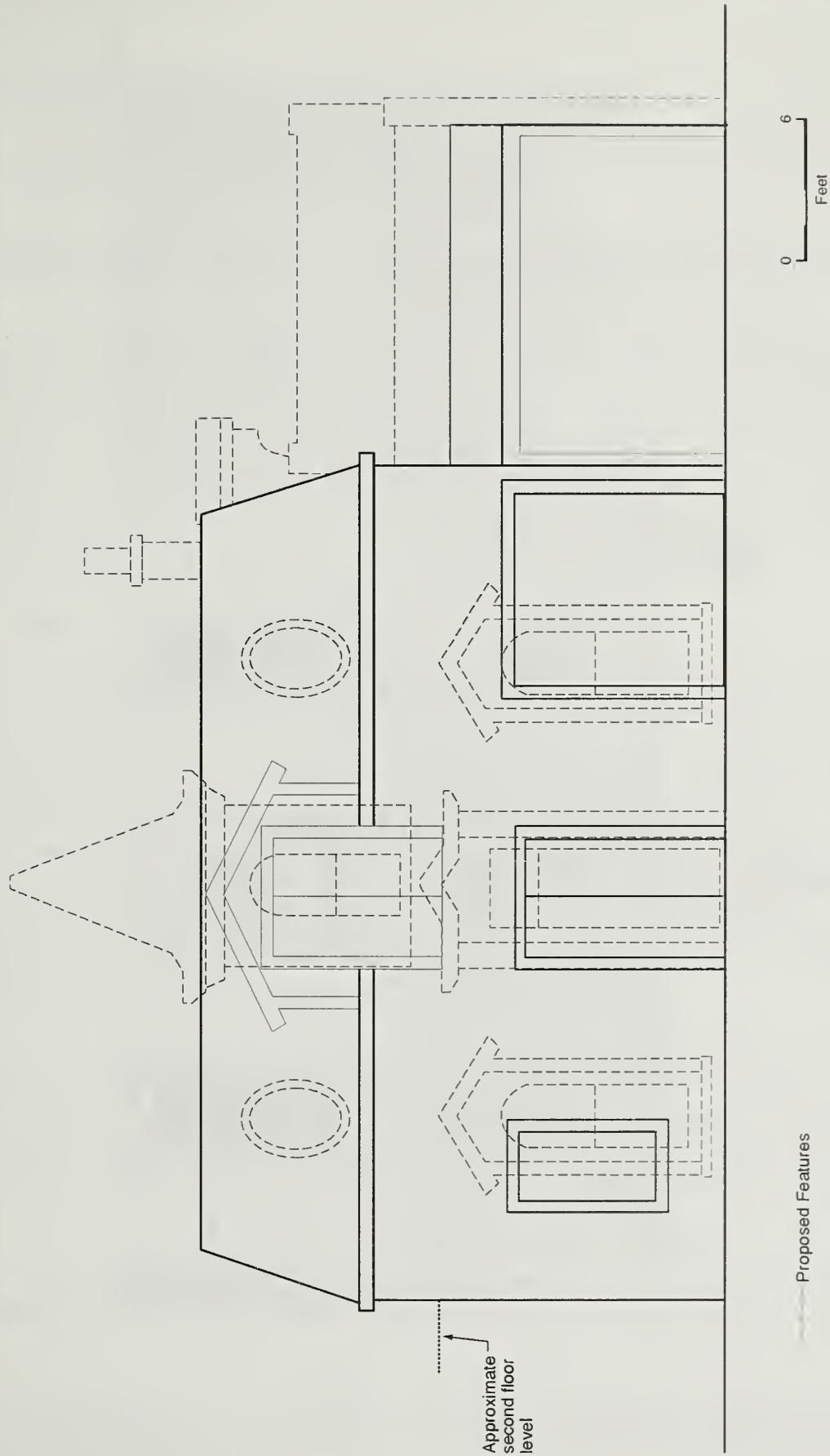
● ^{14a} A privy is a historic domestic waste disposal site that can be of importance to research into historic lifeways: that is, materials recovered from a privy can provide information as to materials used and patterns of daily life during the period associated with the recovered materials.

¹⁵ The west, or front, façade of the carriage house is the only suitable location for new ground-floor windows, as the north and east elevations are at the property line—where existing openings may have to be closed—and the south elevation faces the carport at the ground level. (Skylights may be used at the upper story, but would not provide much light at the ground floor.)



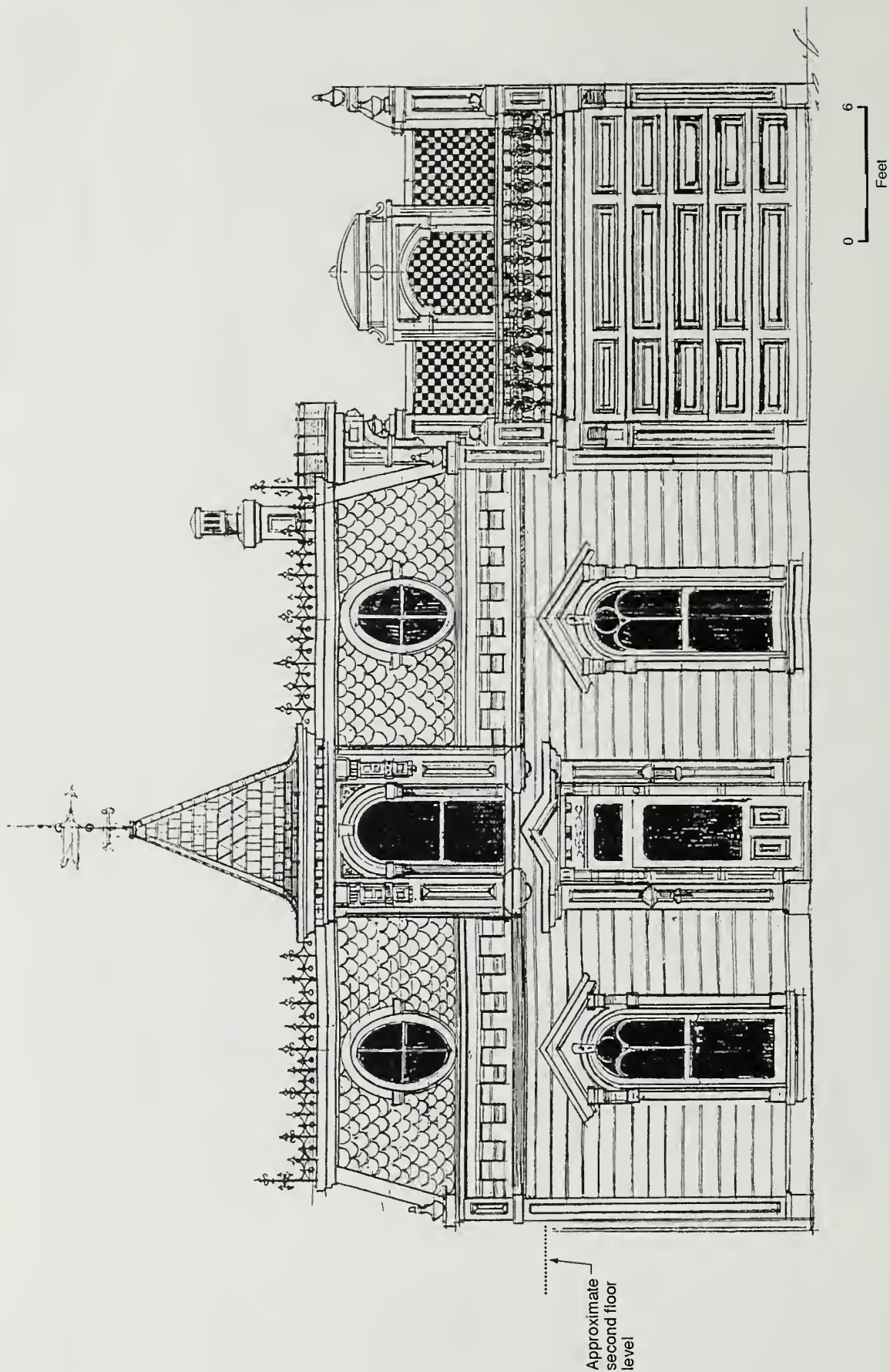
Case No. 2001.1056E: 280 Divisadero Street . 203259
Figure 5
 Proposed Elevation of Carriage House
 Showing Major Massing Characteristics

SOURCE: Richard Zillman, Project Sponsor; ESA



Case No. 2001.1056E: 280 Divisadero Street, 203259
Figure 6
 Existing Elevation with
 Major Features of Proposed Design

SOURCE Richard Zillman, Project Sponsor, ESA



Case No. 2001.1056E: 280 Divisadero Street . 203259
Figure 7
 Front Elevation Rendering of Proposed Project
 Showing Details of Proposed Decorative Elements

SOURCE: Richard Zillman, Project Sponsor

- Stabilize and structurally enhance the carriage house structure; and
- To “create an end product that looks and functions as an attractive, functional, historically sensitive house ... where real people are going to be living.”¹⁶

D. Project Approval Requirements and General Plan Policies

This EIR will undergo a public comment period as noted on the cover, including a public hearing before the Planning Commission on the Draft EIR. The Landmarks Preservation Advisory Board will also hold a public hearing to take public comment to aid the Board members in formulating their comments on the Draft EIR. Following the public comment period, responses to written and oral comments will be prepared and published in a Draft Comments and Responses document. The Draft EIR will be revised as appropriate and, with the Draft Comments and Responses document, will be presented to the Planning Commission for certification as to accuracy, objectivity, and completeness. No approvals or permits may be issued before the Final EIR is certified.

Approvals

As noted previously, the Landmarks Board considered the project in 2002 and was unable to achieve a majority vote either in favor of or against the proposal for a Certificate of Appropriateness. At the time of the consideration of the Certificate of Appropriateness by the Landmarks Board, the proposed project was defined as rehabilitation of the carriage house for residential use. Subsequently, the Planning Department preservation staff determined that the proposed project would result in a demolition (under the standards set forth in Planning Code Article 10), rather than a rehabilitation of the carriage house. Given the change

- in how the proposed project is defined, the Historic Preservation Commission must approve a Certificate of Appropriateness for demolition of the carriage house, a portion of a City Landmark, and new construction on the landmark site. Consideration of the Certificate of Appropriateness by the Historic Preservation Commission will follow completion of the CEQA review process.

The project would require approval of a variance to permit the proposed changes to the carriage house and its use as a second dwelling unit on the project site, because the carriage house is located within the required rear yard open space of the main house. As noted above, a rear yard variance was granted in 1989, but a condition attached to the variance was not implemented. Therefore, residential use of the carriage house has never been authorized under the Planning Code. A building permit would also be needed.

The San Francisco Planning Code implements the San Francisco General Plan, and governs permitted uses, densities and configuration of buildings within San Francisco. The Code incorporates by reference

¹⁶ Richard Zillman, project sponsor, “Comments on the Landmarks Preservation Advisory Board Case Report for hearing on September 18, 2002.” Unpublished material, available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in file 2001.1056E.

the City Zoning Maps. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Planning Code or an exception is granted pursuant to provisions of the Code.

The site is located within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District that extends along both sides of Divisadero Street from Haight Street north to O'Farrell Street. The nearest residential district is a RM-3 (Residential, Mixed – Medium-Density) Zoning District that encompasses the eastern portion of the block on which the site is located.

The NC-2 district “is intended to serve as the City’s Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 districts are commonly located along both collector and arterial streets which have transit routes.”¹⁷ Residential units are a principal permitted use in the NC-2 district; the permitted residential density in a NC-2 district is one dwelling unit per 800 square feet of lot area, meaning that the maximum density on the project site is nine units. The NC-2 district also permits a variety of retail uses at the ground floor (less than 4,000 sq. ft. in floor area unless conditional use authorization is obtained). No retail space is proposed with the project. The project would comply with the land use controls.

The project site is within a 40-X height and bulk district (40-foot height limit; no bulk limit). The project would comply with the height and bulk requirements.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which, among other things, established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, and before taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project, legislation, or action is consistent with the Priority Policies. The motion by the Historic Preservation Commission approving or disapproving the Certificate of Appropriateness will contain the analysis determining whether the project is in conformance with the Priority Policies.

¹⁷ San Francisco Planning Code, Section 711.1.

General Plan

- The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The Historic Preservation Commission would review the Certificate of Appropriateness in the context of applicable objectives and policies of the General Plan. The project site is not within any of the adopted Area Plan areas of the General Plan.

Among the General Plan objectives and policies relevant to the proposed project are Objective 1 of the Housing Element regarding provision of new housing, and Policies 1.2 (encourage new, especially affordable, housing in neighborhood commercial areas) and 1.4 (supporting infill housing), and Urban Design Element Policies 2.4 (preservation of landmarks), 2.5 (use care in remodeling older buildings), and 2.6 (respect older nearby development in design of new buildings).

- A conflict with a General Plan policy does not, in itself, indicate a significant effect on the environment. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed by topic in this EIR and the Initial Study (see Appendix A, beginning on pp. A-11). The General Plan contains many policies, which may address different goals. The Historic Preservation Commission, in deciding whether to approve the Certificate of Appropriateness, must decide whether, on balance, the project is consistent with the General Plan. The compatibility of the project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

Other Plans

Environmental plans and policies, like the Bay Area Air Quality Management District's *Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

CHAPTER III

Environmental Setting and Impacts

An application for environmental evaluation for the project was filed on June 26, 2003. On the basis of an Initial Study published on March 20, 2004, the San Francisco Planning Department determined that an Environmental Impact Report (EIR) was required. The Initial Study determined that the following effects of the project would be either insignificant or would be reduced to a less-than-significant level by mitigation measures included in the project, and thus required no further analysis: land use; visual quality/urban design; population and housing; transportation; noise; air quality, including shadow and wind; utilities/public services; biology; geology/topography; water; energy/natural resources; archaeological resources; and hazards. (See Appendix A for the Initial Study; see also Section III.D, Other Items Not Included in the Initial Study, p. 40.) Therefore, the EIR does not discuss these issues.

Issues found to be potentially significant in the Initial Study are potential effects on historical resources. They are evaluated in this chapter.

A. Historic Architectural Resources

Setting

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources. In addition, a resource that (i) is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code, or (ii) is deemed significant due to its identification in an historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g), is presumed to be historically significant “unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.” CEQA Section 21084.1 permits a lead agency to determine that a resource constitutes a historical resource even if the resource does not meet the foregoing criteria.

The project site contains two structures: a four-story single-family dwelling (the “main house”) and a two-story building that originally served as a carriage house for the property (the “carriage house”). The upper floor of the carriage house was converted to an unpermitted second residential unit at some time prior to 1964;¹⁸ the residential use was apparently abandoned around 1981. The project site, including

¹⁸ As noted previously, the project sponsor asserts that the carriage house was used as residential on both floors.

both structures and the entire lot, is City Landmark No. 190,¹⁹ the Charles L. Hinkel House and Carriage House, named after the builder. The main Hinkel House was rated “3” in the 1976 citywide architectural survey, and is also included, with the carriage house, in the 1968 Junior League-publication *Here Today*.

The Landmarks Preservation Advisory Board (LPAB) case report for the landmark designation, fully incorporated by reference in the 1988 designating ordinance as to the description, characteristics justifying Landmark designation, and features that should be preserved, contained the following Statement of Significance:

The Charles L. Hinkel Residence is significant in architecture, history, interior and environmental qualities as detailed [in the case report]. Constructed in 1885 as the personal residence of Charles L. Hinkel, 280 Divisadero Street is an unusual example of transitional French Second Empire residential architecture. Hinkel was a member of San Francisco’s prominent four generation family of house builders/land developers. Together, their efforts significantly contributed to the development of this city. Charles L. Hinkel reserved a large size lot to build his residence at 280 Divisadero. Attention was paid to quality design, with finished detailing appearing on side and rear elevations. Interior finishings were of the quality a successful builder would select for his own home. The large lot allowed space for landscaping and a carriage house, completing the presentation of an intact nineteenth century residence.

Project Site

Both the main house and carriage house were constructed in 1885 by Charles L. Hinkel, a member of a prominent and prolific developer-builder family in late 19th and early 20th century San Francisco. Hinkel and four of his five brothers – sons of a German immigrant carpenter who moved from Illinois to San Francisco in about 1850 – eventually became “owner builders,” members of a group of carpenters who bought land, built homes, and then sold them to members of the City’s growing middle-class, beginning around the 1870s. Along with Charles, brothers George, John, Henry, and William Hinkel all worked at the same profession. Some of them worked together (although Charles, the oldest brother, apparently avoided working with his brothers), but each is credited with having been the builder of a number of homes, mostly in the Western Addition and Castro neighborhoods. Together, the Hinkel brothers constructed hundreds of houses.²⁰

¹⁹ Designation of a property as a city landmark requires approval by the Board of Supervisors of a designating ordinance.

²⁰ Most of the material in this paragraph is from a paper written in 1979 by Jack Leahy, who owned 280 Divisadero Street from 1973 to 1981. During that time, Leahy undertook substantial restoration on the main house while renting out the carriage house. He also researched the history of the property. Other sources include: Waldhorn, Judith Lynch and Sally B. Woodbridge, *Victoria’s Legacy: Tours of San Francisco Bay Area Architecture*. San Francisco: 101 Productions, 1978, and Woodbridge, Sally B., John Woodbridge, FAIA, and Chuck Byrne, *San Francisco Architecture: The Illustrated Guide to Over 1,000 of the Best Buildings, Parks, and Public Artwork in the Bay Area*. San Francisco: Chronicle Books, 1992. The Leahy paper is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in file 2001.1056E.

In addition to its French Second Empire styling, the LPAB case report found, the wood-frame home was of excellent design quality and contained “ornate original interior detailing mostly intact.” The Hinkel house was among the earliest structures developed on its block. The importance of 280 Divisadero Street as a visual landmark – “its large landscaped lot and intact, unusual design, a conspicuous and familiar structure in the context of the neighborhood,” according to the case report – along with its association with Charles Hinkel himself and his importance as an early San Francisco developer and builder, all supported the Landmark designation, according to the case report. The case report further stated that, with the unusually large lot, “the building and original carriage house convey an intact view of nineteenth century upper middle class life style.”

The carriage house is not visible from the street because of the presence of a wooden fence and garage door between the main house and the adjacent property to the south (see photo B in Figure 8). Based on historic photos, this fence apparently was built some time during the 1970s or 1980s. Although the carriage house is directly behind the main house, portions of the carriage house likely were visible from the sidewalk before the current wood fence was erected.²¹

The carriage house is two stories tall, with the second floor contained in the space enclosed by the Mansard roof and dormer, and is clad in wood siding. Located at the rear of the project site, the carriage house presents its main (western) façade towards the rear of the main house (see Figure 3, p. 13). Its rear (east) façade sits on the site’s rear property line, facing the lot to the east, and includes three property-line windows on the ground floor that look out to the neighboring parcel, and two additional property-line windows on the second floor.²² The north façade, at the project site’s northern property line, faces the neighboring parcel to the north; this wall contains a track-mounted sliding door.²³ The south façade is partially obscured by the carport, a later addition. Windows set into the Mansard roof and into the southern wall of the building face out over the carport; according to the project sponsor, these windows are not original. No changes for which a permit was issued have occurred to the carriage house since its designation as a landmark in 1988.

According to a 2004 assessment of the carriage house by a Planning Department preservation technical specialist, the character-defining features of the building are:

the size and location of the building on the lot, the mansard-shaped roof, the horizontal shiplap siding, the original 4/4 wood double-hung window in the first building bay, an opening wide enough to admit the entry of a carriage and the second floor opening to the

²¹ A photo from the book *Here Today*, by the Junior League of San Francisco (San Francisco: Chronicle Books, 1968) shows the project site without the fence, while a photo from *Landmarks of San Francisco*, by Patrick McGrew (New York: Harry N. Abrams, 1991) shows the current fence in place. Photos are available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2001.1056E.

²² The rear façade does not have a Mansard roof, but instead is a single plane from the ground to the flat roof.

²³ The property-line door to the north hints that the Hinkel parcel may have been larger at the time of original construction. It is not clear that the rear windows are original.



A. Main House Viewed from Across Divisadero Street



B. Main House Showing South Facade and Garage Door

SOURCE: Environmental Science Associates

Case No. 2001.1056E: 280 Divisadero Street . 203259

Figure 8
Main House

hayloft (although the openings themselves may be partially infilled), and the horizontal pole above the hayloft opening from which to hang a pulley.²⁴

Historic Significance

For purposes of CEQA Section 21084.1, Article 10 of the Planning Code contains an adopted “local register of historical resources, as defined in subdivision (k) of [Public Resources Code] Section 5020.1,” which defines such a register as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.” Because the entire project site, including both buildings (main house and carriage house) and the remainder of the site grounds, constitutes a designated City Landmark (i.e., listed on a local register of historical resources), the entire site and both buildings are presumed to constitute a historical resource for purposes of the California Environmental Quality Act. In July 2004, a Planning Department preservation technical specialist determined that the carriage house retains integrity as to the seven of the facets commonly considered by architectural historians: location, design, materials, workmanship, setting, feeling, and association (with the exception of a “slightly diminished design integrity”).²⁵ Because it retains sufficient integrity as to its contribution to the designated landmark, the carriage house, the subject of this EIR, is a contributing element of the landmark, and therefore the carriage house is considered a historical resource under CEQA.

The project sponsor has disputed the Planning Department’s assessment of integrity of the existing carriage house, arguing that “most of the original fabric is either changed or is totally absent”; that the “overall workmanship rating of the structure ranges from average [as to the original structure] to fair-to-poor, as to the subsequent remodeling”; that the setting has been altered because the carriage house is no longer visible from the street; that an observer “definitely does not get the feeling that the carriages and hay wagon might be due back any minute”; and that the integrity of the building is, therefore, low.

National Register of Historic Places / California Register of Historical Resources

The buildings on the project site have not been evaluated for eligibility for listing in the National Register of Historic Places or the California Register of Historical Resources,²⁶ and are not listed in the California

²⁴ N. Moses Corrette, Preservation Technical Specialist, memorandum to Nannie R. Turrell, Major Environmental Analysis Unit, July 12, 2004. This memorandum is included in Appendix D.

²⁵ N. Moses Corrette, Preservation Technical Specialist, memorandum, July 12, 2004 (see footnote 24, above). The seven aspects of integrity are incorporated into guidance for identification of eligibility for the National Register of Historic Places and the California Register of Historical Resources; to be eligible for these registers, a resource must have historic importance and maintain sufficient integrity to convey that importance.

²⁶ Listing on the National Register of Historic Places requires that a property meet one or more of the four specific criteria associated with a significant theme or pattern in the history, architecture, archaeology, engineering, or culture of an area. A property may possess significance for its association with events that have made a significant contribution to the broad patterns of American history (Criterion A), its association with significant persons in U.S. History (Criterion B), its embodiment of a type, period, or method of construction or for aesthetic values, or its representation of the work of a master (Criterion C), or its yielding or potential to yield important information in prehistory or history (Criterion D) (36 CFR 60.4). Criteria for the California Register of Historical Resources are similar, but more specific to state history. For example, the first criterion under California Register eligibility includes association “with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage” (Cal. Public Resources Code §5024.1(c)). Because the project site has not been evaluated for the National Register does not mean that it could not be, in the future.

Historical Resources Information System Directory of Properties for San Francisco County,²⁷ which is maintained by the State Office of Historic Preservation (OHP).

Impacts

Significance Criteria

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources, one that is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code, or one that is deemed significant due to its identification in an historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g). A “substantial adverse change” is defined in Section 15064.5(b)(1) of the state CEQA Guidelines as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of a historical resource is “materially impaired,” according to Guidelines Section 15064.5(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that:

- convey its historic significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources (including a determination by the lead agency that the resource is eligible for inclusion in the California Register);
- account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)); or
- account for its identification in a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g), including, among other things, that “the resource is evaluated and determined by the [State Office of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523,” unless the lead agency “establishes by a preponderance of evidence that the resource is not historically or culturally significant.”

²⁷ The CHRIS Directory of Properties is OHP’s inventory of properties listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

The state CEQA Guidelines state that projects that are consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)). In general, it is the *Standards for Rehabilitation* that are most commonly employed and evaluated in the context of CEQA review. According to the Secretary's *Standards for the Treatment of Historic Properties*, of the four "treatments" for historic properties, Rehabilitation "is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."²⁸ Preservation, according to the *Standards for the Treatment of Historic Properties*, entails a lesser level of intrusion, focusing on stabilization and ongoing maintenance and repair, and does not allow for exterior additions. Restoration and Reconstruction, according to *Standards for the Treatment of Historic Properties*, both aim to depict the key form and features of a property from a specific time, generally its most important period of history; the differences between these two treatments generally depend on the degree to which the historic fabric of the resource is extant.

In summary, the *Secretary of the Interior's Standards for Rehabilitation* ("Secretary's Standards")²⁹ call for:

- 1) a property to be used as it was historically or placed in a new use that "requires minimal change to [its] defining characteristics";
- 2) preservation of historic character, including historic materials, features and spaces;
- 3) avoiding creation of "a false sense of historical development";
- 4) recognizing and preserving changes that have become historic over time;
- 5) preservation of distinctive features and construction techniques or craftsmanship;
- 6) repair, rather than replacement of deteriorated historic features, where feasible;
- 7) foregoing harsh chemical or physical treatments to avoid damage to historic materials;
- 8) preservation of significant archeological resources;
- 9) undertaking additions and alterations, where necessary, that do not destroy historic materials, that differentiate new from old, and that are compatible with historic materials, features and spaces; and
- 10) designing additions such that, if later removed, the property would retain its historic integrity.

For a project that would not be consistent with the Secretary's Standards, the impact evaluation must determine whether the proposed changes would constitute "physical demolition, destruction, relocation,

²⁸ Kay D. Weeks and Anne E. Grimmer, *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, National Park Service, Washington, D.C., 1995; p. 61.

²⁹ The Secretary's Standards are presented in their entirety in Appendix B.

or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

Impacts of the Proposed Project

As noted in the setting discussion above, the entire project site and the buildings thereon are presumed to be a historical resource for purposes of CEQA. The carriage house is a contributing element of the designated landmark and, therefore, the carriage house is considered a historical resource under CEQA. The proposed project would involve work only at the location of the carriage house; no changes to the main house are proposed. However, the proposed construction of a new structure at the site of the carriage house could affect the remainder of the landmark site, including the main Charles Hinkel House, and the 19th-century relationship of the two structures, and therefore this impact is also evaluated.

The project would involve “new construction” because the proposed alterations to the carriage house are considered “demolition” under the Planning Code. Article 10 of the Planning Code, *Preservation of Historical Architectural and Aesthetic Landmarks*, Section 1005(f), states:

For purposes of this Article 10, demolition shall be defined as any one of the following:

- (1) Removal of more than 25 percent of the surface of all external walls facing a public street(s); or
- (2) Removal of more than 50 percent of all external walls from their function as all external walls; or
- (3) Removal of more than 25 percent of external walls from function as either external or internal walls; or
- (4) Removal of more than 75 percent of the building’s existing internal structural framework or floor plates unless the City determines that such removal is the only feasible means to meet the standards for seismic load and forces of the latest adopted version of the San Francisco Building Code and the State Historical Building Code.

Planning Department preservation staff has determined, based on its review of plans and the project description, that it appears that either or both of conditions 1 and 4, above, apply, and that the proposed project would, therefore, fall within the definition of Section 1005(f), meaning that the proposed project would result in the demolition of the carriage house, a historical resource under CEQA. The proposed demolition of this historical resource is considered a significant impact that cannot be mitigated to a less-than-significant level.

Once it had been determined by Planning staff that the alterations to the existing building would constitute demolition under the standards set forth in Article 10, a second component of the analysis was necessary to evaluate the impact of the proposed new construction at the location of the carriage house on the overall landmark site. As to the effects on the overall landmark site, a disagreement exists as to whether the proposed new construction would conform to the *Secretary of the Interior’s Standards for Rehabilitation* (“Secretary’s Standards”). A review of the proposed project was conducted, as part of the EIR analysis and under contract to the EIR consultant, by an architect with experience in working with

historic buildings in San Francisco and the Bay Area.³⁰ That analysis, referred to herein as the “historic architectural review,” evaluated the consistency of the proposed new construction with the Secretary’s Standards, and determined that the proposed new structure would be generally consistent with the Secretary’s Standards. The historic architectural review appears in its entirety in this document as Appendix C, and is excerpted and summarized in this discussion. In contrast, preservation planning staff of the Planning Department determined that the proposed new structure would not be consistent with the Secretary’s Standards.³¹ The staff analysis appears in its entirety in this document as Appendix D, and is also excerpted and summarized in this discussion.

The historic architectural review describes the proposed new construction of the carriage house as follows:

The proposed project is a detached, second residential unit with an attached garage. It is, relative to main residence, a small, freestanding structure, with an exterior design that is eclectically traditional, perhaps best described as Neo-Victorian – the Victorian having famously blended various picturesque architectural styles. The dominant period characteristics – a crested French or mansard roofline with ovoid dormer windows, with the likeness of a central tower – are after the Second Empire style, apparently as a recognition of the dominant style of the historic main house. Yet, other proposed features – including doors, windows and their surrounds – are more Italianate in character. As noted, the proposed design is very eclectic and, in fact, exuberantly so. On paper, it fools the eye into perceiving it as a full size building, but it isn’t. It is a small building disguised as a big building. In this sense, coupled with its eclectic exuberance, it is an architectural fantasy.

In regard to **Secretary’s Standard No. 1**, minimal change to defining characteristics, the historic architectural review found that the proposed project would not alter the historic residential use of the landmark property, including both the main house and the carriage house. The historic architectural review notes that the carriage house had long since been converted to (unpermitted) residential use, including modifications to its exterior, and that the proposed project would maintain residential use of the overall landmark site, including the carriage house and the main house.³²

Planning Department preservation planning technical staff does not concur with the historic architectural review as to the proposed project’s consistency with Standard No. 1. The Planning Department preservation technical specialist notes that, because the residential use of the carriage house has not been officially sanctioned (i.e., no permit was issued for the residential use), and because the project would involve demolition, under the standards set forth in Article 10, and new construction of a “second primary

³⁰ Mark Hulbert, Architect & Architectural Conservator, Preservation Architecture, letter report to Environmental Science Associates, December 7, 2005. The full report is included in Appendix C.

³¹ N. Moses Corrette, Preservation Technical Specialist, Memorandum to Viktoriya Wise, Major Environmental Analysis, November 20, 2006. This memorandum is included in this document as Appendix D.

³² According to City records (Planning Department Case Report No. 88.755V, May 18, 1989), the carriage house was in use as an unpermitted residence beginning around 1964; the residential use was apparently abandoned around 1981.

edifice” that would “not maintain[] the visual appearance of a secondary structure,” and because the design of the new residential structure “is not consistent with the historic relationship of structures on the site,” the “measure of minimal change required to execute the project in order to meet this Standard is not met,” and the project would be inconsistent with Standard No. 1.³³

In terms of preservation of historic character, including historic materials, features and spatial relationships (Standard No. 2), none of these would be altered by the project, according to the historic architectural review. The project would not change the configuration of the landmark site: the renovated carriage house (and accessory garage) would occupy essentially the same footprint as the building does at present (including the existing carport). It would also occupy virtually the same built volume, except for the addition of the proposed central “tower” (dormer) that would be taller than the existing building. The project would not affect the original open and landscaped lot that surrounds the main house on two sides – the south and east. Thus, “Despite the impression that the design drawing presents – that of a large building – the proposed design is for a relatively small, 2-story residential unit with attached garage, placed along the rear lot line, and behind what is in reality a relatively very large and grand residence. While the proposed exterior design is expressive rather than modest, the proposed building remains subordinate to the main house,” according to the historic architectural review.

Planning Department preservation technical staff does not agree with the historic architectural review as to the proposed project’s retention of historic character: “It is true that the new building will occupy the same location and volume as the present carriage house; however, the character of the space between the two buildings will be altered.”³⁴ As proposed, the new building would not appear to be subordinate to the historic Hinkel house in any terms other than location. It would appear to be a second historical dwelling unit of equal or greater ornamentation.

Standard No. 3 calls for avoidance of “a false sense of historical development.” The historic architectural review states that the issue to consider in this case is “whether the neo-Victorian exterior design of the proposed structure would result in an edifice that may be confused as historical.” The project proposes to create an approximately 1,300-square-foot residential structure with an attached garage, thus adding an unexpected element within the traditional pattern of historical development manifest in a large 19th century residential property such as the project site, where a carriage house would be a logical and traditional component. A second residential structure instead of a carriage house, the historic architectural review states, “would not create a false sense of historical development, since it does not satisfy the historic development equation.”

Concerning the neo-Victorian exterior design, the historic architectural review states that “the project sponsor apparently intends that the design have some sense of authenticity to the historical period and property,” and therefore the potential exists to convey a “false sense of historical development.” But the historic architectural review continues that the potential for a “conjectural” design is offset by the same

³³ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32.)

³⁴ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32.)

important characteristic noted above: the fact that the project proposes not a carriage house, but a second residential unit, a distinctly non-historic building type in the context of the historical period. The scale, form, and features of the proposed second unit would be substantially different than those of the main house, underscoring a conclusion “that this new unit is of a different time and place than that of the historical property.”

It is in regard to Standard No. 3 (avoidance of “a false sense of historical development”) that Planning Department preservation planning staff most strongly disagree with the historic architectural review. Regarding the proposed project’s potential to create a false sense of historical development, the Planning Department preservation technical specialist’s conclusion is that “the proposed new building produces a near pure textbook example of conjectural features with architectural elements applied to an acceptable volume that exceeds the complexity of a secondary structure on a landmark site.” Staff continues, “the extant carriage house is *unchanged* from the time it was formally designated as Landmark #190, and the structure itself is the historical record of the development of the site, obviating the need for any conjectural elements in the new construction” (emphasis in original).^{35,36} (The prior 2004 review by the Planning Department preservation technical specialist found, “There is no physical or other documentary evidence to demonstrate [or] to suggest that this carriage house – itself an historic resource, ever had a greater level of ornamentation than what exists today. Additional ornamentation is purely conjectural, and serves merely to disguise the historic functions of the building.”) The current Planning Department preservation technical specialist analysis concludes:

Embellishing simple unadorned façades with high-style details, or adding features borrowed from a different period should be avoided. Conjectural changes create a false sense of historical development and are contrary to the Secretary of the Interior’s Standards for Rehabilitation.[citation] The proposed project fails to meet the Standards because the construction misrepresents the historic appearance of the site. If the added features were removed [from the design], and the façade simplified in a meaningful way, the historic appearance of the ancillary structure could be reestablished and the project could meet the Standards.³⁷

Therefore, Planning Department staff determined that the project as proposed would create a false sense of historical development.

Concerning **Standard No. 5**, preservation of distinctive features and construction techniques or craftsmanship, the historic architectural review found that the project would not adversely affect any distinctive features of the landmark. Planning Department preservation technical staff concludes that this standard is not applicable to the new construction proposed by the project.

³⁵ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32.)

³⁶ As noted in the Setting, the project sponsor has disputed the Department’s assessment of the integrity of the carriage house, arguing, among other things, that most of the original building fabric has been altered or removed and that the setting has been altered by construction of a wall that obscures view of the carriage house from the street. The sponsor believes the integrity of the carriage house is low.

³⁷ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32).

With regard to **Standard No. 9** (additions or alterations that protect historic materials, differentiate new work from old, and are compatible with historic materials, features and spaces), the historic architectural review states that the proposed project would not destroy or alter any identified historic materials, features, patterns, or relationships of the property or of its primary residence. As with Standard 3, the key issue is one of differentiation and compatibility. As previously stated, the project would occupy the same location as the carriage house, thereby respecting the features and spaces of the landmark site. In terms of differentiation of new from old, the historic architectural review states that the “eclectic and exuberant” design of the proposed project would be an “earnest interpretation of the Victorian style of the historic residence,” while not mimicking the main house. “Given the fantastic character of the proposed design, there will be no one fooled into perceiving that its architecture is historical,” the historic architectural review concludes.

The Planning staff preservation technical specialist concurs that the proposed project strictly as new construction would not destroy historic materials that characterize the main house, and finds that, as a separate building, the new residential structure would be differentiated from the Hinkel House, and would be consistent with the massing, size and scale of the carriage house it replaced. However, staff states that “the design is not compatible with the architectural features of the property and its environment”³⁸ as follows.

Advice given to the applicant to simplify the design of the façade has been given by several members of the Planning Department Staff (2001-present), the Architectural Review Committee (December 19, 2001), and most attending members of the Landmarks Board hearing (September 18, 2002). The Department’s experts, the Architectural Review Committee, and the Landmarks Board all concur that the architectural features of the proposed building are more exuberant than the original elements of the carriage house, and do not reflect the elements of either a generalized ancillary building, or the main house. With the high level of ornamentation, the proposed design competes with the historic building instead of being harmonious with it, and is therefore incompatible.³⁹

Therefore, staff concluded based on its review that the project as proposed would be inconsistent with Standard No. 9.

Finally, with regard to **Standard No. 10**, designing additions such that, if later removed, the property would retain its historic integrity, the proposed changes would not be irreversible, according to the historic architectural review, because, as a separate freestanding structure, and one built on the footprint of the previous structure, the proposed new residential structure could be removed without altering the identifiable form and character of the historic property. Planning preservation technical staff concurs with the historic architectural review as to Standard No. 10.

³⁸ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32).

³⁹ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32).

Standards 4, 6, 7, and 8 are not applicable to the proposed project, according to the historic architectural review. Standard 4 addresses recognizing and preserving changes that have become historic over time, and no such changes are evident. Standard 6 concerns repair rather than replacement of historic features, which is not relevant in the context of demolition (under the standards set forth in Article 10) of the carriage house. Likewise, Standard 7 regards “foregoing harsh chemical or physical treatments.” Standard 8 concerns archaeological resources, which are not relevant to the site. Planning preservation technical staff concurs with the historic architectural review as to the inapplicability of these four standards.

In summary, the historic architectural review found that the development of a new structure at the location of the carriage house would be consistent with the Secretary’s Standards.

However, as described above, Planning Department staff does not concur with the conclusions of the historic architectural review, particularly as Department staff found that the proposed project would create a false sense of historical development. Because of the elaborate detail in the design of the new residential building proposed at the location of the carriage house, Planning staff determined that the new residential structure would no longer be secondary to the main house, as was the case in the historical relationship between the main house and the carriage house, which remains an ancillary building to the main house, because

As proposed, the new building would not appear to be subordinate to the historic Hinkel House in any terms other than location. It would appear to be a second historical dwelling of equal or greater ornamentation.

The remaining historic building [the main house] would appear as but one element of a new composition bearing little relationship to the historic appearance of the property. As a result, the historic character of the overall property and its environment would be destroyed.⁴⁰

As noted above on p. 30 in the Significance Criteria, projects that are consistent with the Secretary’s Standards generally are considered to result in no significant impact on historic resources. It does not necessarily follow, however, that lack of consistency with the Secretary’s Standards leads to a conclusion of a significant impact. The Significance Criteria include the concept that a “substantial adverse change” to a historic resource requires that the significance of an historical resource be “materially impaired” (through demolition, destruction, relocation, or alteration) such that there is demolition or material alteration of “those physical characteristics of the resource that ... account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution....”

In terms of the qualities for which the site and its buildings were designated a landmark, as noted, the Statement of Significance in the landmark case report found the property “significant in architecture,

⁴⁰ N. Moses Corrette, Memorandum, November 20, 2006 (see footnote 31, p. 32).

history, interior and environmental qualities,” as “an unusual example of transitional French Second Empire residential architecture” and of “excellent” design quality. The property was recognized for its historical connection to Charles L. Hinkel and his family, prominent San Francisco’s house builders/land developers whose “efforts significantly contributed to the development of the city,” and because the “structure dates from the earliest development of this block.” The interior was recognized as being finished with high quality materials. Finally, the “large lot allowed space for landscaping and a carriage house, completing the presentation of an intact nineteenth century residence” that “convey[s] an intact view of nineteenth century upper middle class life style.” According to the landmark case report, the large landscaped lot and the unusual Second Empire design make the property “a conspicuous and familiar structure in the context of the neighborhood.” (The property’s visual prominence is a function almost exclusively to the main house and the width of the lot, and not to the carriage house, as evidenced in views from the street that are shown in Figure 8, p. 27.)

Reviewing the above characteristics that supported the landmark designation, only the carriage house is the subject of the proposed project. While the demolition and new construction proposed by the project would not recognize the original use of the carriage house and would alter the historic relationship between the two buildings in which the carriage house was ancillary to the main house, the project would not alter the physical placement of the two structures on the grounds, nor would it alter the configuration of the site as a whole, as the new building would be at the same location and have essentially the same volume at the carriage house. The project would change the nature of the relationship of the main house to the new residential structure, which would no longer explicitly be an ancillary structure to the main house, but would be a separate residential structure.

The historic architectural review argues that neither the demolition (under the standards set forth in Article 10) of the carriage house nor the new construction at the location of the carriage house as proposed would result in alteration of the Charles L. Hinkel House and Carriage House “such that the significance of [the] historical resource would be materially impaired,” because the main house and its grounds would be undisturbed and the existing spatial relationships would be retained throughout the site. No change would be made in the “transitional French Second Empire residential architecture” of the main house, nor would there be any loss of association with Charles L. Hinkel, nor any change in the historical association of the site with early development of the subject block. Therefore, it is anticipated that the Charles L. Hinkel House and Carriage House remain worthy of its designation as City Landmark No. 190, and an argument can be made that the demolition and new construction would not adversely affect the landmark sufficiently to alter or destroy the characteristics that “account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)).”

The Planning Department preservation staff disagrees with the above argument. Planning Department staff has determined that the demolition (under the standards set forth in Article 10) of the carriage house and the construction of a new residential structure that Planning staff has found to be inconsistent with the Secretary’s Standards for Rehabilitation, would alter the Charles Hinkel House and Carriage House such

that the historic character of the overall property, the whole of which is landmarked, and its environment would be adversely affected.

Therefore, in view of the Department's conclusion, the proposed project would result in significant adverse effects on historical resources under CEQA. Mitigation has been identified in Chapter IV that would reduce the significant effects of the demolition and new construction, but not to a less-than-significant level. The project sponsor has agreed to implement the mitigation measure set forth in Chapter IV.

National Register / California Register Criteria

Resources eligible for listing in the California Register of Historical Resources⁴¹ include buildings, structures, objects, or historic districts that: (a) retain historic integrity; and (b) are historically significant at the local, state, or national level under one or more of the following criteria:

Criterion A/1 (Event): It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

Criterion B/2 (Person): It is associated with the lives of persons important to local, California, or national history; or

Criterion C/3 (Architecture): It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or

Criterion D/4 (Informational Potential): It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, state or the nation.

Resources must have "integrity" for the period of significance. Integrity is the authenticity of an historical resource's physical identity as evidenced by survival of characteristics or historic fabric that existed during the resource's period of significance. Integrity encompasses seven aspects: location, design, materials, workmanship, setting, feeling, and association. If a resource does not have integrity, then it is not eligible for listing in the California Register of Historical Resources regardless of whether it meets any of the four criteria listed above. The buildings on the project site have not been formally evaluated for eligibility for listing in the National Register of Historic Places or the California Register of Historical Resources, and are not listed in the California Historical Resources Information System Directory of Properties for San Francisco County,⁴² which is maintained by the State Office of Historic Preservation (OHP). The proposed project would result in the loss of integrity of the Carriage House with respect to the following seven aspects: location, design, setting, materials, workmanship, feeling, and association.⁴³ By removing one of the historic buildings that comprise City Landmark No. 190 and constructing a structure that is not consistent with the Secretary's Standards, implementation of the proposed project

⁴¹ Criteria for the National Register of Historic Places are similar, but reflect importance in U.S. history.

⁴² The CHRIS Directory of Properties is OHP's inventory of properties listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

⁴³ National Park Service, National Register Bulletin #15, "How to the National Register Criteria for Evaluation"; Section VIII, Integrity. Available on the internet at: http://www.cr.nps.gov/nr/publications/bulletins/nrb15/nrb15_8.htm.

would alter the overall property's association with late 19th century San Francisco residential development and would distance the property's relationship with Charles L. Hinkel. As such, the proposed project would result in a substantial adverse change in the integrity of the overall landmark with respect to the following three aspects: setting, feeling and association.

Certificate of Appropriateness

The discussion of significant impacts under CEQA may be distinct from the findings that would be required for the project to be granted a Certificate of Appropriateness. For a Certificate of Appropriateness to be granted, the proposed work must be found to "preserve, enhance or restore, and ... not damage or destroy, the exterior architectural features of the landmark." Furthermore, the proposed work must "not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting" (Planning Code Sec. 1006.7(b)).

As noted previously, the Landmarks Board considered the project in 2002 and was unable to achieve a majority vote either in favor of or against the proposal for a Certificate of Appropriateness. At the time of the consideration of the Certificate of Appropriateness by the Landmarks Board, the proposed project was defined as rehabilitation of the carriage house for residential use. Subsequently, the Planning Department preservation staff determined that the proposed project would result in a demolition (under the standards set forth in Planning Code Article 10), rather than a rehabilitation of the carriage house. Given the change

- in how the proposed project is defined, the Historic Preservation Commission would hold a hearing on, and make a determination concerning, an application for a Certificate of Appropriateness.

B. Cumulative Impacts

Project effects would be limited to the carriage house and the site of City Landmark No. 190. The project site is not within a designated or proposed historic district. The closest designated historic district to the project site is the Alamo Square Historic District, located approximately 700 feet (or about 4 blocks) northeast of the project site. The proposed project would not result in a substantial adverse change to the Alamo Square Historic District. The proposed project would not result in significant cumulative historic resources impacts because of its limited scope.

C. Growth Inducement

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not approved and implemented, and/or a need for new infrastructure. The proposed project would not result in growth-inducing impacts.

D. Other Items Not Included in the Initial Study

On May 23, 2006, following publication of the Initial Study, the Board of Supervisors adopted Ordinance 116-06, directing that the City employ a CEQA Initial Study Checklist based on the form included in Appendix G of the state CEQA Guidelines. Accordingly, the Planning Department has recently adopted a new Initial Study Checklist, consistent with Appendix G, but also incorporating additional questions specific to the urban environment of San Francisco. This new checklist includes some questions not included in the Initial Study for the proposed project, published on March 20, 2004. The following discussion provides information about the proposed project's effects on those issues included in the new checklist.

Transportation

The proposed project would not result in a change in air traffic patterns and, therefore, would not result in substantial safety risks related to air traffic. The project would not adversely affect any LOS standards established by the San Francisco Transportation Authority. The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. There are no unusual design features or uses proposed as part of the project that would substantially increase traffic hazards. Likewise, the proposed project would not result in a significant impact with regard to emergency access, as the project site is accessible from major streets, including Divisadero Street.

Noise

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; these issues are, therefore, not addressed further. Because pile-driving is not proposed as part of the project, the project would not result in unusual levels of groundborne vibration that would be expected to disturb nearby residents or businesses, and vibration impacts would be less than significant.

- **Air Quality**
- **Greenhouse Gases**
- Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs), because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated in global climate change (also referred to as the "greenhouse effect" and "global warming"). According to the California Air Resources Board (CARB), some potential impacts in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. Carbon dioxide^{43a} is the

^{43a} The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

“reference gas” for climate change, meaning that emissions of GHGs are typically reported in “carbon dioxide-equivalents” (CO₂-eq), based on each gas’s heat absorption (or “global warming”) potential. Carbon dioxide is largely a by-product of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Nitrous oxide is emitted in agricultural and industrial activities and during combustion of fossil fuel and solid waste.^{43b}

- The California Energy Commission has estimated that transportation is the source of 38 percent of the state’s GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industry at 13 percent. In the Bay Area, according to the Bay Area Air Quality Management District (BAAQMD), fossil fuel consumption for transportation (cars, trucks, aircraft, and off-highway mobile sources) is likewise the single largest source of GHG emissions, accounting for just over half of the 85 million tons of GHG emissions in 2002. Industrial and commercial sources contribute about one-fourth of GHG emissions, while domestic sources (c.g., home water heaters, furnaces, etc.) account for about 11 percent, power plants about 7 percent and oil refining at about 6 percent of the total Bay Area GHG emissions.
- In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires CARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions). In December 2008, CARB approved a Scoping Plan to meet the 2020 GHG reduction limits in AB 32. To meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from 2008 levels. The Scoping Plan projects a reduction of 174 million metric tons (about 191 million U.S. tons) of CO₂-eq, with about one-third of the reduction from transportation sources, 30 percent from electricity generation, and the rest from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs and from local and regional government actions.
- The City and County of San Francisco has also implemented a number of actions expected to reduce GHG emissions, including the City’s “Transit First Policy” (1973), the Sustainability Plan (1997), the Electricity Resource Plan (2002), the Greenhouse Gas Emissions Reduction Resolution (2002) and the 2004 Climate Action Plan, the Municipal Transportation Agency’s Zero Emissions 2020 Plan, a requirement that new municipal construction and major renovation projects achieve LEED® Silver Certification (2004), the Zero Waste policy, the Construction and Demolition Debris Recovery Ordinance (2006), the Go Solar SF program (2008), the Green Building Ordinance (2008), and the Greenhouse Gas Reduction Ordinance, passed in May 2008. This ordinance establishes the GHG emission reduction limits for San Francisco and the target dates to achieve them, including a 25 percent reduction below 1990 levels by 2017, a 40 percent reduction below 1990 levels by 2025, and a 80 percent reduction below 1990 levels by 2050. The City has also passed ordinances to reduce waste from retail and commercial

^{43b} Other GHGs, with much greater heat-absorption potential, are generated in certain industrial processes.

operations. Finally, the Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development.

- There are no adopted significance criteria for evaluating a project's contribution to climate change. Pending such adoption, the Governor's Office of Planning and Research (OPR) has released a Technical Advisory for addressing climate change through CEQA review. The Technical Advisory recommends the following approach for analyzing GHG emissions: Identify and quantify the project's GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to a less-than-significant level.
- As a single new residential unit, the proposed project's GHG emissions would be negligible, and would not make a meaningful contribution to GHG emissions in the region or the state. The annual GHG emissions of approximately 15 tons CO₂-eq would represent less than one one-hundred-thousandth of one percent (less than 0.00001%) of the 2020 GHG emissions limit for California, as adopted by CARB in December 2007, of approximately 427 million metric tons (470 million U.S. tons) of CO₂-eq, and would also represent less than one one-hundred-thousandth of one percent (less than 0.00001%) of the 174 million metric tons of CO₂-eq that CARB's December 2008 Scoping Plan projects in GHG emission reductions by 2020.
- Given that: (1) the project would not contribute significantly to global climate change such that would impede the State's ability to meet its GHG reduction targets under AB 32, or impede San Francisco's ability to meet its GHG reduction targets under the Greenhouse Gas Reduction Ordinance; (2) San Francisco has implemented programs to reduce GHG emissions specific to new construction; and (3) current and probable future state and local GHG reduction measures will likely reduce a project's contribution to climate change, the project would not contribute significantly, either individually or cumulatively, to global climate change.

Recreation

The project area is well-served by parks and recreation facilities. Recreation and Park Department properties within about six blocks of the project site include Alamo Square, Duboce Park, and Buena Vista Park, as well as Corona Heights, Koshland Park, and the Golden Gate Park panhandle. With the addition of a single residential unit, as the second dwelling unit on the project site, the proposed project would not substantially increase demand for or use of either neighborhood parks, such as those noted above, or citywide facilities such as Golden Gate Park, such that substantial physical deterioration would be expected. The incremental residential growth that would result from the proposed project would not require the construction of new recreational facilities or the expansion of existing facilities. The project would have no direct adverse effect on existing recreational facilities.

Utilities and Public Services

No new water delivery or wastewater collection and treatment facilities would be required to serve the proposed project, and the project would not result in a population increase beyond that assumed for planning purposes by the San Francisco Public Utilities Commission (SFPUC), which provides both water and wastewater service in San Francisco. Project solid waste would be collected by Sunset Scavenger Company, hauled to the Norcal transfer station near Candlestick Point, and recycled as feasible, with non-recyclables being disposed of at Altamont Landfill, where adequate capacity exists to serve the needs of San Francisco. The project site is within an urban area that is served by public services, including fire and police services, public schools, parks, and other services. Fire stations located nearby include Station 5, on Webster Street at Turk Street; Station 6, on Sanchez Street near Market Street; Station 21, on Grove Street near Broderick Street; and Station 36, on Oak Street between Gough and Franklin Streets. The San Francisco Police Department's Northern Station, at Turk and Fillmore Streets, is 12 blocks from the project site. As the proposed project would provide one new housing unit, it would not result in any substantial population increase in San Francisco, and the incremental increase in demand for public services on the site would not be in excess of amounts expected and provided for in the project area, and would not necessitate the need for new or physically altered governmental facilities.

Biological Resources

There are no adopted habitat conservation plans applicable to the project site, nor does the site include any riparian habitat.

Hydrology

Flooding hazards are not an issue because the project area is not subject to flooding and the project would have no impacts on flooding, as the amount of impervious surface at the site would not change due to the project. No portion of San Francisco is within a 100-year flood zone, and the project site is not subject to inundation in the event of reservoir failure.

Hazards

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; these issues are, therefore, not addressed further.

Mineral and Energy Resources

No mineral resources are located on or near the project site, and the project would have no effect on mineral resources.

Agricultural Resources

No agricultural resources are located on or near the project site, and the project would have no effect on agricultural resources.

CHAPTER IV

Mitigation Measures

A. Mitigation Measures

There are several items required by law that would serve to reduce potential significant impacts; they are summarized here for informational purposes. These measures include: no use of mirrored glass on the building to reduce glare, as per City Planning Commission Resolution 9212; limitation of construction-related noise levels, pursuant to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, 1972); compliance with Section 3407 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures; and observance of State and federal OSHA safety requirements related to handling and disposal of other hazardous materials, such as asbestos.

Mitigation Measure 1—HABS-Level Recordation

The carriage house has been documented as part of the Landmarks Preservation Advisory Board case report, as summarized in this EIR. Nevertheless, further documentation, such as drawings and photographs to the standards of the Historic American Buildings Survey (HABS) should be undertaken prior to demolition. The project sponsor shall complete documentation of the carriage house in accordance with HABS level II standards. The documentation shall include:

- **Photographs:** Photographs with large-format (4x5 inch) negatives shall be shot of exterior and interior views of the carriage house, and views of the carriage house in the context of the main house and overall grounds of City Landmark No. 190. Historic photos of the carriage house, where available, shall be photographically reproduced. All photos shall be printed on archival fiber paper and fully identified with the name and location of the structure(s), a description of the feature or view being photographed, and the direction in which the photograph was taken, as well as the name of the photographer and the date created.
- **Drawings:** Architectural drawings (elevations and plans) of the existing carriage house, where available, shall be photographed with large format negatives or photographically reproduced on mylar.

The completed documentation package shall be submitted to local and regional archives, including but not limited to, the San Francisco Public Library History Room, the California Historical Society and the Northwest Information Center at Sonoma State University in Rohnert Park. A non-archival proof set shall be submitted to the Planning Department.

Implementation of this mitigation measure would not reduce the project's significant adverse impact to a less-than-significant level. CEQA Guidelines Section 15126.4 states that, "In some circumstances, documentation of an historical resource, by of historic narrative, photographs or architectural drawings, as

mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.” As such, HABS recordation does not fully mitigate the loss of historic structure. Although the primary significance of the carriage house relates to its contextual association with the main house and the overall site of Landmark No. 190, the Charles L. Hinkel House and Carriage House, and not as an individually significant work of architecture, nonetheless, “demolition” of the carriage house, under the standards set forth in Planning Code Article 10, would result in significant, unavoidable impact on historical resources.

The project sponsor has agreed to implement the above mitigation measure.

CHAPTER V

Significant Effects That Cannot Be Avoided if the Proposed Project is Implemented

In accordance with Section 21067 of the California Environmental Quality Act (CEQA), and with Sections 15040, 15081 and 15082 of the State CEQA Guidelines, potential impacts of the proposed 280 Divisadero Street Carriage House Project that could not be eliminated or reduced to an insignificant level are effects on historical resources. Specifically, the project would result in demolition (under the standards set forth in Article 10) of the carriage house, a contributing element to City Landmark No. 190 and, as such, a historical resource under CEQA. The proposed project would also involve the construction of a new residential structure, in its place, which Planning staff has found to be inconsistent with the Secretary's Standards, and which would therefore result in a significant adverse effect on historical resources. These impacts would not be mitigable.

This conclusion is subject to final determination by the Planning Commission (or the Board of Supervisors on appeal) as part of their certification process for the EIR. The Final EIR will be revised, if necessary, to reflect the findings of the Planning Commission (or Board of Supervisors on appeal).

CHAPTER VI

Alternatives to the Proposed Project

This chapter identifies alternatives to the proposed project, discusses environmental impacts associated with each alternative, and, where an alternative has been considered by the project sponsor in development of the project, gives the reasons the alternative was rejected in favor of the project. Project decision-makers could adopt any of the following alternatives, if feasible, instead of approving the proposed project. San Francisco decision-makers must consider approval of an alternative, if that alternative would substantially lessen or avoid significant environmental effects identified for the proposed project and that alternative is determined to be feasible. The determination of feasibility is made by City decision-makers.

A. Alternative A: No Project

The California Environmental Quality Act (CEQA) and state CEQA Guidelines require that a No Project Alternative be included in EIRs. One purpose of the No Project Alternative is to allow decision-makers to compare the effects of the proposed project with the effects of not approving the proposed project.

Description

This alternative would entail no change to the site, which would remain in its existing condition. The carriage house would not be demolished and rebuilt, and would not be legalized and re-occupied as a residential unit. Under this alternative, minor repairs could be made to the carriage house.

Impacts

Under this alternative, the carriage house would be expected to continue to deteriorate. Given the current condition of the building, it is likely that it would sustain further structural failure, either due to dry rot or to undermining of the perimeter structural support. It is reasonable to assume that, if left untouched, the carriage house ultimately could collapse due to structural failure or could require complete demolition, as it could become dangerous should the structural condition deteriorate beyond a certain point. Demolition would result in similar effects to those of the project.

The No Project Alternative would be environmentally superior, compared to the proposed project, over the near term because it would not result in an immediate significant and unavoidable impact due to demolition of a historical resource (the carriage house) or new construction that Planning staff has found to be inconsistent with the Secretary's Standards. However, the No Project Alternative would not meet

any of the project sponsor's objectives and in the long term, the demolition of the carriage house might result if its structural condition were to deteriorate to the point at which none of the existing historic features would be salvageable.

B. Alternative B: Preservation Alternative

Description

As noted in Section III.A, Preservation, according to the National Park Service (Secretary of the Interior's *Standards for the Treatment of Historic Properties*), entails a lesser level of intrusion than does Rehabilitation, focusing on stabilization and ongoing maintenance and repair, and does not allow for exterior additions:

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.⁴⁴

Therefore, this alternative would include stabilization of the carriage house and repair to correct existing decay, but would not include physical alterations to allow the building to be used as a residential unit as is proposed with the project. It is assumed that this alternative would be undertaken consistent with the *Secretary of the Interior's Standards for Preservation*, which are similar to the *Standards for Rehabilitation*, except that they permit less alteration and, most importantly, do not allow for new additions, exterior alterations, or adjacent new construction.

Impacts

This alternative would avoid the two-part significant, unmitigable effects of the proposed project: (1) demolition (under the standards set forth in Planning Code Article 10) of the carriage house; and (2) construction of a new structure at the location of the carriage house, which Planning staff has found to be inconsistent with the Secretary's Standards for Rehabilitation. Other impacts of this alternative would be less intensive than those of the proposed project, as discussed in the Initial Study (see Appendix A and Section III.C), because no demolition or new construction would occur; none of these impacts would be significant.

⁴⁴ Kay D. Weeks and Anne E. Grimmer, *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, National Park Service, Washington, D.C., 1995; p. 17.

The Preservation Alternative would be environmentally superior, compared to the proposed project, because it would not result in an immediate significant and unavoidable impact due to demolition of a historical resource (the carriage house) or introduce new construction that Planning staff has found to be inconsistent with the Secretary's Standards. Like the No Project Alternative, the Preservation Alternative would not meet the project sponsor's objectives to convert the structure to residential use and to create a design consistent, in the sponsor's opinion, with the Second Empire style of the main house. However, this alternative would meet the project sponsor's objective of stabilizing and structurally enhancing the existing structure.

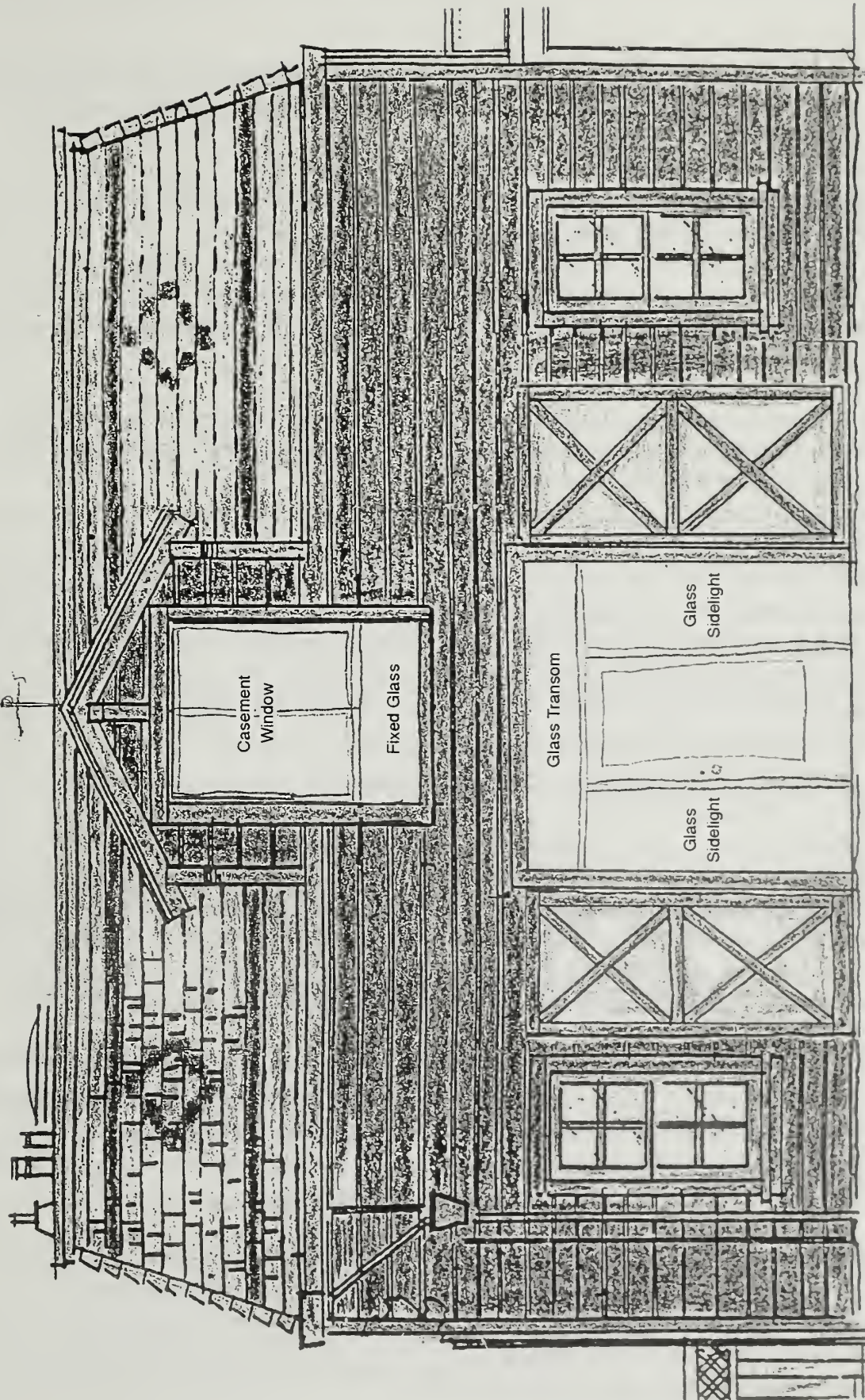
C. Alternative C: Reconstruction Alternative

Description

As with the proposed project, this alternative would result in demolition (under the standards set forth in Article 10) of the carriage house due to removal of existing exterior siding and other features. In terms of the new residential unit to be developed, this alternative would be consistent with the direction given the project sponsor in the July 2004 review by the Planning Department's preservation technical specialist, who stated, "Several options that would not overwhelm the utilitarian nature of the building and allow the carriage house to be used for a residence exist." As noted in the Setting portion of Section III.A, the character-defining features of the carriage house are the size and location of the building on the lot, the mansard roof, the exterior siding, double-hung wood window, carriage-sized opening, and the second-floor hayloft with its horizontal pole.

Reconstruction could mean either a new structure identical to the carriage house in its existing state or a new structure as the carriage house was in an earlier state. One option for reconstruction would be based on the recommendations of the preservation technical specialist. Under this alternative, at least one large carriage doorway would be re-established in the principal (west) façade of the carriage house, based upon physical evidence of the building's interior framing. One option, using a "restoration" approach that would restore what is believed to have been a symmetry in the west façade, would infill one-time carriage doorway in the west façade with a glass wall, with reconstructed barn doors capable of being fixed in the open position. The existing 4/4 window in the north bay of this façade, which is original to the carriage house, would be retained, and a matching window installed to the south. On the second floor, the sliding glass door would be replaced with a fixed glass lower panel, and an operable casement window within the existing opening. Flush-mounted skylights would provide additional light to the upper floor, as would openings in the south façade. An illustration of this alternative is shown in Figure 9. In addition to the illustrated improvements, the southern side of the second floor could be modified with a dormer to allow for access to light and air with new windows and doors onto the roof of a reconstructed non-historic carport.

Another option might be as follows: The west-side entry last used for carriages or automobiles would be re-opened and infilled with a glass wall, with or without reconstructed barn doors – capable of being fixed



Case No. 2001.1056E 280 Divisadero Street . 203259
Figure 9
 Alternative C -- Reconstruction Alternative

SOURCE San Francisco Planning Department

in the open position. The central bay would be used for residential doors within the existing opening, and the single window maintained to the north. Treatment of the second floor would be as described above.

Each option could make full use of the range of architecturally patterned shingles on the mansard roof, similar to that found on the main house. A multi-colored exterior paint scheme could further add to the embellishment of the western façade of the carriage house.

This alternative would be consistent with the *Secretary of the Interior's Standards for Reconstruction*, with the goal of reconstructing the exterior appearance of the historic carriage house with new materials. The Reconstruction standards call for

- 1) depicting "vanished or non-surviving portions of a property when documentary and physical evidence is available," with "minimal conjecture," and where "such reconstruction is essential to the public understanding of the property";
- 2) archeological investigation prior to reconstruction;
- 3) taking measures to preserve any remaining historic materials, features, and spatial relationships;
- 4) basing reconstruction "on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties" so that the reconstructed property re-creates the appearance of the non-surviving historic property in materials, design, color, and texture;
- 5) clearly identifying the reconstruction as a contemporary re-creation; and
- 6) not constructing designs "that were never executed historically."

Impacts

As with the proposed project, Alternative C would result in a significant impact due to demolition (under the standards set forth in Article 10) of the carriage house. Assuming consistency with the direction of the preservation technical specialist and the Reconstruction Standards, this alternative, unlike the project, would have less-than-significant impacts due to the new construction on City Landmark No. 190.

According to the historic architectural review conducted for the proposed project, the design of this alternative "is based on the form of the existing accessory structure, with design alterations intended to provide a sense of what the carriage house may have been, merged with the project sponsor's requirements for a second residential unit, including the addition of an enclosed garage with a roof deck." As to the impacts of this alternative, the historic architectural review states:

With respect to the [Secretary's] Standards [for Rehabilitation], the alternative design is no more consistent [than the proposed project] – again emphasizing that the proposed structure, in both instances, would be new. It would be much the same building as the proposed project in every respect except for the degree of ornamentation. In the opinion of this reviewer, a more modest exterior design would be no more compatible, since

modesty is not necessarily the priority when it comes to interpreting the historic architecture of this period. The placement of the new residential building establishes the relationship between the primary and historic residence, and this secondary building.

According to Planning Department preservation planning staff, however, by simplifying the design, compared to that of the proposed project, this alternative would develop a second residential unit that would retain the feel of a secondary structure, subsidiary to the main house on the project site and would not result in a false sense of historical development that the proposed project would create. For this reason, the new residential unit would have a less-than-significant impact on the overall City Landmark No. 190.

Other impacts of this alternative would be identical to those of the proposed project, as discussed in the Initial Study (see Appendix A and Section III.C); none of these impacts would be significant.

The Reconstruction Alternative would be environmentally superior, compared to the proposed project, because, while it would result in the same significant and unavoidable impact as the project due to demolition (under the standards set forth in Article 10) of the carriage house, this alternative would not result in new construction that Planning staff has found to be inconsistent with the Secretary's Standards, and the associated impacts on the overall City Landmark No. 190. This alternative would meet the project sponsor's objective to allow the carriage house to be used as a second residential unit and to stabilize and structurally enhance the building. However, it would not in the sponsor's opinion achieve his stated objectives of 1) creating an attractive structure, rather than one that resembles a barn-like structure, that would maximize the enjoyment and willingness to pay rent by future occupants; 2) providing for adequate interior light with tall first-floor windows and new west-facing windows in the second story; and 3) creating a design consistent with the Second Empire-style architectural features of the main house, including the addition of architectural features and decorative elements such as doors and windows surmounted by pediments and flanked by columns, a cupola, and decorative wood trim and iron work.

D. Alternative D: New Construction Alternative

Description

As with the proposed project, this alternative would result in the demolition (under the standards set forth in Article 10) of the carriage house due to removal of existing exterior siding and other features. This alternative would also result in the construction of a new structure in place of the existing carriage house. However, the new building would not attempt to reconstruct the carriage house in appearance and could take on a variation of designs provided that it would not cause a substantial adverse change in the significance of City Landmark No. 190. Based on analysis undertaken and direction provided by Planning Department preservation technical staff, the new construction component of the project would not cause a substantial adverse change to City Landmark No. 190 as long as it maintains the utilitarian character of the carriage house and a secondary relationship to the main house.

During review of the project for preparation of the historic architectural review, Mark Hulbert, the preservation architect retained by the EIR consultant, created a sketch of what a new residential building might look like (see Figure 10).⁴⁵ The new building would occupy the same footprint and would be approximately of the same size as the carriage house. Like the proposed project, it would be a two-story structure with the existing carport converted to a garage. Under the design illustrated, the residential entrance would be centered on the west façade and two matching windows would be installed in the north and south bays of the façade. The second floor would also include two matching windows in the north and south bays of the façade and a dormer in the center of the façade. A roof deck would be added atop the garage, with access provided by a doorway in the south façade of the second floor.

- During preparation of the Comments and Responses document, Planning Department staff created a sketch of one possibility for contemporary new residential construction design (see Figure 11). The new building would occupy the same footprint and would be approximately of the same massing as the carriage house. Like the proposed project, it would be a two-story structure with the existing carport converted to a garage.
- Under the design illustrated, the entrance to the open-plan structure would be among a series of sliding frosted glass panels along the western façade. Glazed and metal panels would cover the structure and roof, the center gable mimicking the pitch of the carriage house hay loft, extending the shed geometry across the structure including the roll-up frosted glass garage door and deck area above. The central cross-bracing of the original carriage house doors would be etched on the glass panels at their original location. Solid panel areas would define the original hay loft opening. Recessed shadow areas would emphasize the locations of the former building's openings.

As described in the Introduction to this Draft EIR, the proposed project was presented to the Landmarks Board Architectural Review Committee on December 19, 2001, and subsequently presented at the Landmarks Board hearing on September 18, 2002.⁴⁶ Members of the Architectural Review Committee recommended that the proposed project be simplified; however, their directions were not specific as to the

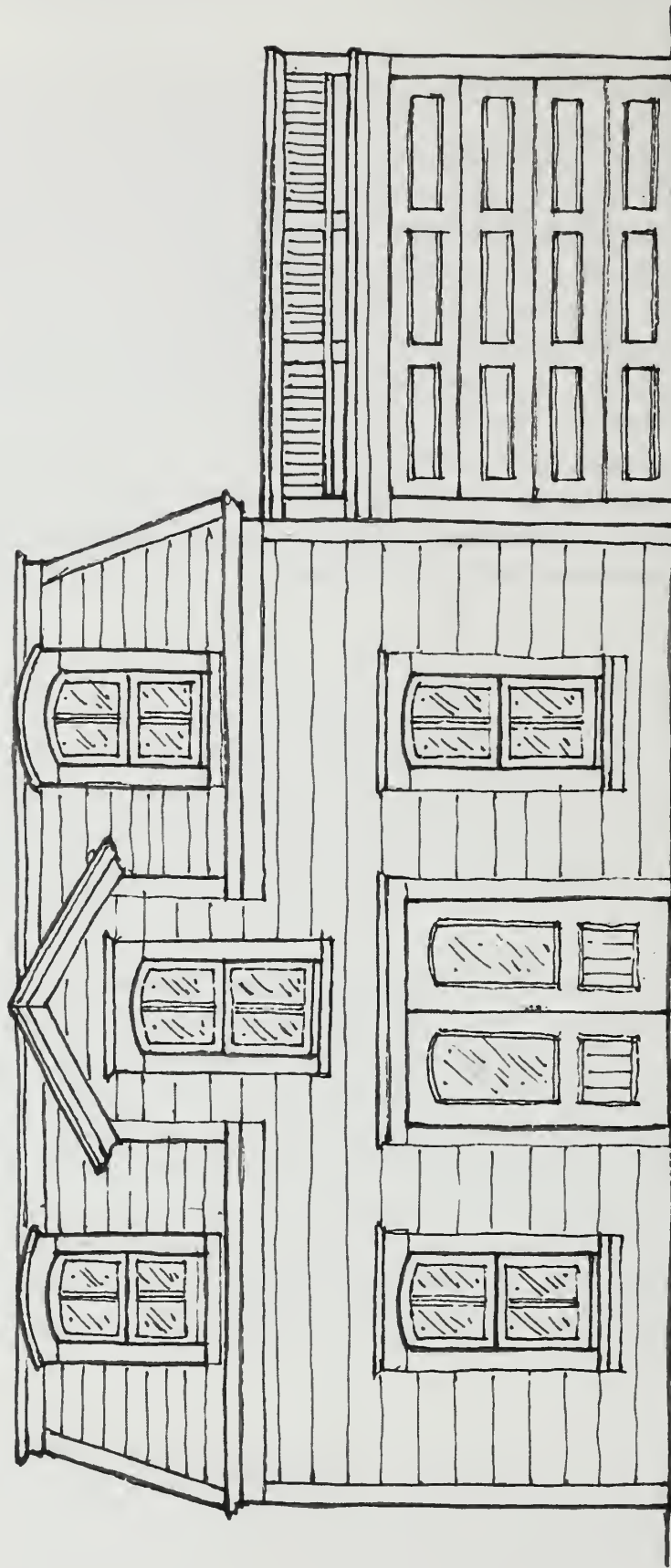
- amount of simplification that would be appropriate. The above-described alternative or variant would result in a structure that is substantially less ornate than the proposed project and therefore, generally would be in keeping with the recommendations of the Architectural Review Committee. While this alternative happens to be consistent with the general recommendations of the Architectural Review Committee, it is important to acknowledge that the design of this alternative was created independently of the Architectural Review Committee deliberation and was not the result of the Committee recommendation.

⁴⁵ Although not expressly developed as an EIR alternative, but rather as a tool for analysis, the architect's sketch suffices as one potential example of how this alternative might be designed.

⁴⁶ The LPAB took no action on the project. At that meeting, one committee member stated that, while he thought the project should be "toned down," he could support the "whimsical" design for the front (west) façade of the carriage house. A second member stated that the proposed design was "so far over the top as to almost be insulting," and called the proposal "a willful defiance of some fundamental principles." A third ARC member acknowledged both sides of the question—property rights in the context of a second unit on the site of a single-family dwelling versus faithful compliance with historic preservation principles—and concluded by urging the sponsor to bring a "simpler design" before the full Landmarks Board.

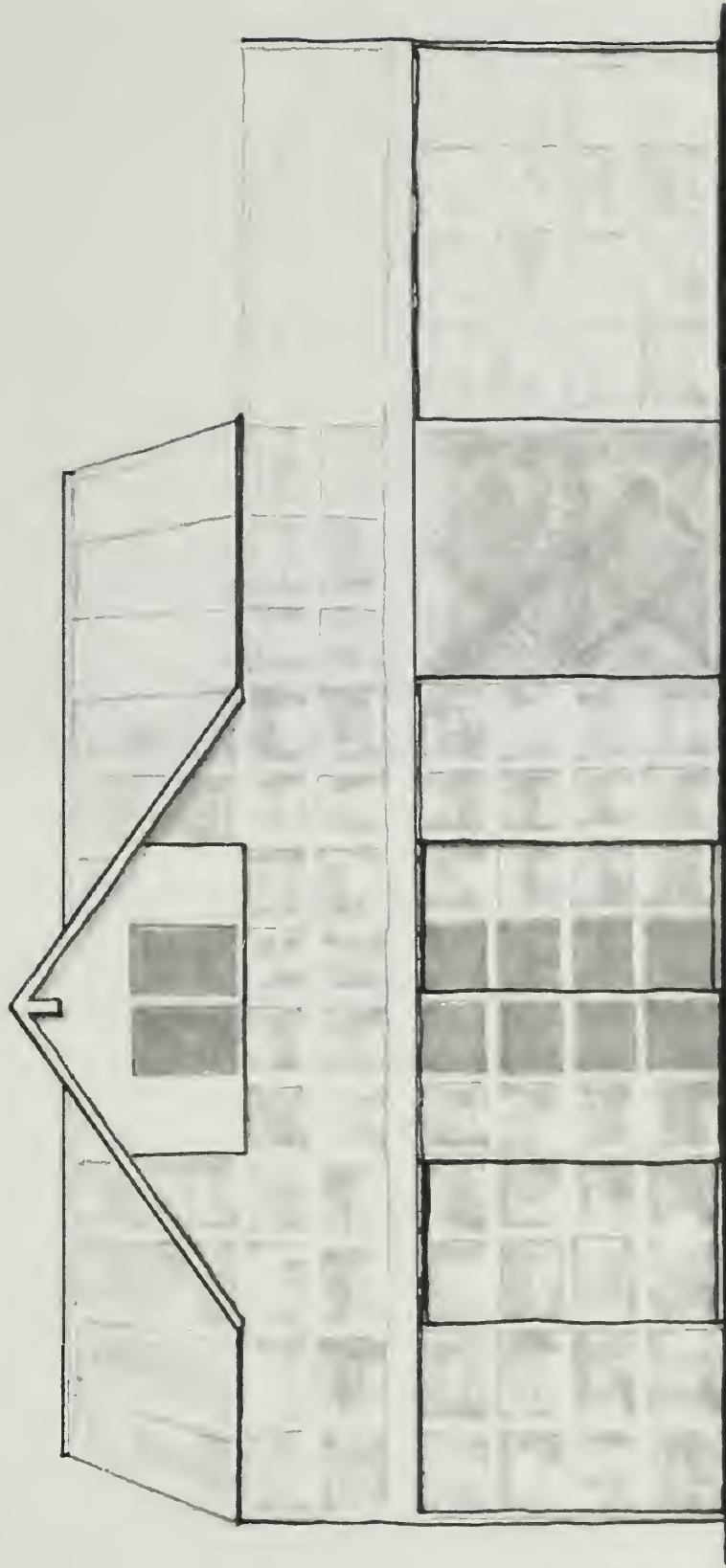
Impacts

- As with the proposed project, the New Construction Alternative or variant would result in a significant impact due to demolition (under the standards set forth in Article 10) of the carriage house. However,
- unlike the proposed project, the New Construction Alternative or variant would not alter the relationship of the primary structure (the main house) to the secondary structure (the carriage house) that characterizes the City Landmark No. 190. Moreover, the New Construction Alternative or variant would avoid the potential for creating a false sense of historic development by omitting the elaborate detailing proposed as part of the project. Compared with the proposed project, the New Construction Alternative
- or variant would have a simplified design that would be consistent with the historic relationship of structures on the site by maintaining the visual appearance of a secondary structure rather than creating a second edifice that competes with the main Hinkel House. The design of the New Construction
- Alternative or variant would result in a structure that is subordinate to the Main Hinkel House and therefore, maintains its utilitarian relationship to it. As such,



SOURCE: Mark Hulbert, Preservation Architecture

Case No. 2001.1056E: 280 Divisadero Street . 203259
Figure 10
Alternative D – New Construction Alternative



- the New Construction Alternative or variant would not adversely impact the historic character of the overall City Landmark No. 190 and its environment.

Other impacts of this alternative would be identical to those of the proposed project, as discussed in the Initial Study (see Appendix A and Section III.C); none of these impacts would be significant.

- The New Construction Alternative or variant would be environmentally superior, compared to the proposed project, because while it would result in the same significant and unavoidable impact as the project due to demolition (as defined in Article 10) of the carriage house, it would not result in new construction that Planning staff has found to be inconsistent with the Secretary's Standards, and the associated impacts on the overall City Landmark No. 190. This alternative would meet the project sponsor's objectives of allowing the carriage house to be used as a second residential unit, providing adequate light for the dwelling unit, and stabilizing and structurally enhancing the building. However, it would not, in the sponsor's opinion, achieve his stated objectives of 1) creating an attractive structure that would maximize the enjoyment of, and willingness to pay rent by, future occupants; and 2) creating a design consistent with the Second Empire-style architectural features of the main house, including the addition of architectural features and decorative elements such as doors and windows surmounted by pediments and flanked by columns, a cupola, and decorative wood trip iron work. The sponsor believes
- this alternative retains too much of a barn-like appearance. The project sponsor has indicated that a contemporary structure would not meet his objectives. According to the sponsor, "To work appropriately in San Francisco Victorian architecture, you need to be swept in the pure exuberance of it."



COMMENTS & RESPONSES

280 Divisadero Street Carriage House

PLANNING DEPARTMENT
CASE NO. 2001.1056E

STATE CLEARINGHOUSE NO. 2008062080



SAN FRANCISCO
PLANNING
DEPARTMENT

Draft EIR Publication Date:	MAY 5, 2007
Draft EIR Public Hearing Date:	JUNE 14, 2007
Draft EIR Public Comment Period:	MAY 5, 2007 - JUNE 18, 2007
Final EIR Certification Hearing Date:	FEBRUARY 26, 2009



SAN FRANCISCO PLANNING DEPARTMENT

February 12, 2009

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To: Members of the Planning Commission and Interested Parties

From: Bill Wycko, Environmental Review Officer

Re: **Attached Comments and Responses on Draft Environmental Impact Report
Case No. 2001.1056E: 280 Divisadero Street Carriage House**

The attached Comments and Responses document, responding to comments made on the Draft Environmental Impact Report (DEIR) for the above referenced project, is presented for your information. This document along with the DEIR will be considered by the Planning Commission in an advertised public meeting on February 26, 2009, at which time the Planning Commission will determine whether to certify the EIR as complete and adequate.

We are sending this to you so that you will have time to review the documents. The Planning Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties may, however, write to the Commission members or to the President of the Commission at 1650 Mission Street and express an opinion about the Comments and Responses document, or the Commission's decision to certify the completion of the Final EIR for this project. Letters should be sent in time to be received at 1650 Mission Street on Wednesday, February 18, 2009.

You should note that if you receive a copy of the Comments and Responses document in addition to the DEIR, you will technically have a copy of the Final EIR. Thank you for your interest in this project.

If you have questions about the attached Comments and Responses document, or about this process, please call the EIR Coordinator, Leigh Kienker, at (415) 575-9036.

280 DIVISADERO STREET CARRIAGE HOUSE

Comments and Responses on Draft EIR

Planning Department Case No. 2001.1056E
State Clearinghouse No. 2008062080

Draft EIR Publication Date: May 5, 2007
Draft EIR Public Hearing Date: June 14, 2007
Draft EIR Public Comment Period: May 5, 2007 through June 18, 2007
Comments and Responses Publication Date: February 12, 2009
Final EIR Certification Date: February 26, 2009

CHAPTER VII

280 Divisadero Street Carriage House EIR Comments and Responses

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A. Introduction

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR, or DEIR) prepared for the proposed 280 Divisadero Street Carriage House Project, and responses to those comments. Also included in this document are the staff-initiated changes made to the text of the Draft EIR.

Following this introduction, Section B contains a list of the persons and organizations who submitted written comments on the Draft EIR and those who commented at the public hearing on the Draft EIR held on June 14, 2007 at the Planning Commission.

Section C contains comments on the Draft EIR received in writing or via telephone during the public comment period, from May 5 through June 18, 2007, and responses to those comments. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR; where no comments addressed a particular topic, however, that topic does not appear in this document. The name of the commenter is indicated following each comment summary.

The comment letters received and the transcript of the public hearing are reproduced in Attachments 1 and 2, respectively.

These comments and responses will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated into the Final EIR, as indicated in the responses and in Section D of this document, Staff-Initiated Text Changes. Additions to the text in the DEIR are double underlined, deletions are shown in ~~striketrough~~.

It should be noted that the Comment and Responses component of the environmental review process is intended to respond to comments on the adequacy of the approach and analysis in the Draft EIR. Comments regarding the merits of and concerns about the project should be directed to the Historic Preservation Commission (and the Planning Commission, if applicable) to assist with its decision of whether or not to approve the project, a decision that will be made at a public hearing subsequent to certification (determination of completeness) of the Final EIR. In order to approve the project, the Historic Preservation Commission (and the Planning Commission, if applicable) would be required to adopt a Statement of Overriding Considerations, as required by the California Environmental Quality Act (CEQA), to explain the greater public good that would be achieved despite the significant unavoidable impacts that would occur as identified in the EIR.

B. List of Persons Commenting

Written Comments and Comments Received by Telephone

State Agencies

Leigh Jordan, Coordinator, Northwest Information System, California Historical Resources Information System, letter, May 7, 2007

City Agencies

Robert Cherny, Vice President, Landmarks Preservation Advisory Board, letter, June 14, 2007.

Individuals and Organizations

John Barbey, letter, June 14, 2007

Kevin Crews, telephone call, June 14, 2007

Florence L. Hitchcock, letter, May 6, 2007

James Hitchcock, letter, May 6, 2007

Allen Klein, letter, May 16, 2007

Marvis J. Phillips, Alliance for a Better District 6 and North of Market Planning Coalition, letter, May 9, 2007

Mark Pope, letter, June 18, 2007

Hisashi B. Sugaya, AICP, memorandum, undated

David Tornheim, e-mails, June 13 and June 18, 2007

Speakers at the Public Hearing, June 14, 2007

John Barbey

Mark Pope

C. Comments and Responses

Project Description

Approvals

Comment 1

Page 1. The DEIR states that the carriage house was used for residential purposes at one time and abandoned ca. 1981. Because of this conversion to residential use, would the structure still be considered residential even though it has not been in use for over 20 years? If so, would the proposed demolition be the subject of a soundness report required by any subsequent permitting process? (*Hisashi B. Sugaya, AICP*)

I would first like to convey my first-hand witness that this carriage-house was used (albeit unofficially) for residential purposes at least 30 years ago. (*John Barbey*)

Response 1

The DEIR states on pp. 1, 9 and 12, in the Project Description, that the carriage house has in the past been put to residential use. However, “Because the prior residential use of the carriage house was never permitted, and was reportedly abandoned as of 1981, the project proposes to make the residential use a legal, permitted use for the first time.” [DEIR, p. 15] The Planning Department does not recognize existing uses which are not permitted (Planning Code Secs. 171, 174, 175). For CEQA purposes, while there is no hard and fast rule, any use that has been inactive for more than approximately three to five years, would not be considered an existing use. Uses that are conditionally permitted expire after a maximum of three years of non-use (Planning Code Sec. 178(d)). A nonconforming use is likewise no longer allowed following three years of non-use (Planning Code Sec. 183). The DEIR is correct in identifying residential use of the carriage house as a proposed use which currently does not exist.

Since the project would not result in the demolition of an existing residential unit, the project would not require preparation of a “Soundness Report,” that “is an economic measure of the feasibility of repairing a sub-standard dwelling. It compares an estimate of construction-repair cost called the Upgrade Cost to an estimate called the Replacement Cost.”¹ A Soundness Report must be prepared “by licensed design or construction professionals (architects, engineers, and contractors) or by certified specifiers, construction cost estimators or physical inspectors,” without any ownership or design interest in a proposed project.²

The permitting requirements of the project are described on pp. 21 – 22 and 39 of the DEIR.

¹ San Francisco Planning Department, “Soundness Report Requirements for Proposed Demolition Of Residential Buildings,” informational handout, undated. Available on the internet at:

<http://www.sfgov.org/site/uploadedfiles/planning/Documents/ResDemTempSoundness.pdf>.

² Ibid.

Historical Resources

Setting

Comment 2

The existing carriage house/stable is now visible from Divisadero St. and the proposed larger structure will be even more so. The only time it may not be visible is when the apparently illegally constructed tall fence with overhead garage door is closed. DBI website research shows no valid permits ever taken out and completed for 280 Divisadero. This fence and garage door may be required to be removed in the future do [sic] to no permit, and therefore this EIR should consider the project as if the fence and door did not exist as far as visibility from the street is concerned. It is my opinion that this very tall front fence and modern garage door are detrimental to the historic main house and should be removed by the project sponsor or proper building permit should be applied for with an EIR required. (*Mark Pope*)

I checked with the SF DBI website and they don't show any record of any valid permits to do any work anywhere on 280 Divisadero. (*Mark Pope*)

Response 2

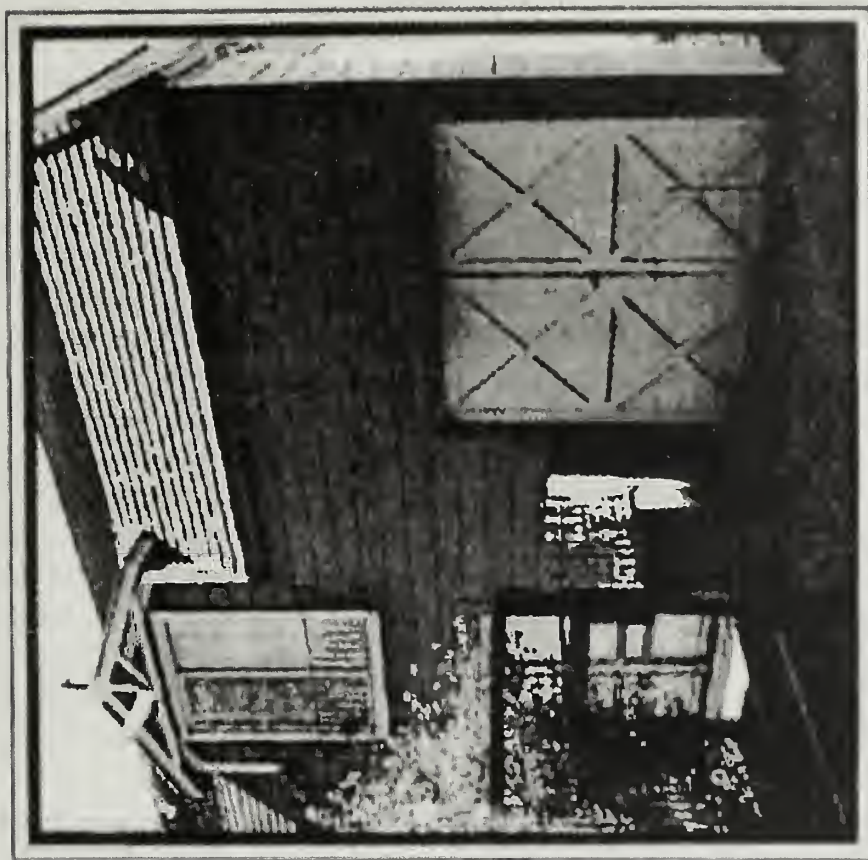
The DEIR is accurate in the description (p. 28) that the existing frontage garage door, and fence in which it is mounted, were apparently built some time during the 1970s or 1980s. Footnote 21 on DEIR (p. 26) states "A photo from the book *Here Today*, by the Junior League of San Francisco (San Francisco: Chronicle Books, 1968) shows the project site without the fence, while a photo from *Landmarks of San Francisco*, by Patrick McGrew (New York: Harry N. Abrams, 1991) shows the current fence in place." (A shorter, lattice-type fence was present in the 1978 photo.) According to records at the Department of Building Inspection, a building permit was issued in 1979 to "re-locate driveway gate to a new position 10' west of existing gate and 6' east of property line and sidewalk."³ Review of the plans that accompanied the above building permit shows a 10-by-7-foot opening in an approximately 12-foot solid wood-sided fence consistent with the existing conditions and location of the frontage garage door at 280 Divisadero Street.⁴ Figure C&R-1 presents a photo taken by one of the Junior League survey staff during preparation of what would become the book *Here Today*. Therefore, based on the permit history, it appears that the solid fence was permitted and constructed in approximately 1979. (Information on this permit is not on the Department of Building Inspection [DBI] website, most likely because it is more than 25 years old. However, hard copies of the permit and plans are in the DBI files.)

³ This permit was categorically exempt from environmental review.

⁴ Plans (undated) accompanying Building Permit Application No. 7813391, stamped "Received" by the Bureau (now Department) of Building Inspection of the Department of Public Works (DPW), December 27, 1978, and stamped "Approved" by DPW, February 7, 1979. These plans are available for review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2001.1056E.



Photograph from Junior League Survey
(Note that today's fence and garage door are not present.)



Photograph from c. 1978 Real Estate Sales Brochure

On p. 1 of the DEIR, in the Project Description, it states that the existing carriage house is “not visible from the street.” Field verification confirmed that the existing carriage house is not visible, either from the sidewalk on the project side of Divisadero Street or from the sidewalk on the opposite side of Divisadero Street (field visits, January 1 and December 27, 2008). An observer on the opposite sidewalk can see a portion of the existing carriage house, over and above the existing fence and garage door, but only by climbing the front steps of buildings across the street. Because such views are not available from the Divisadero right-of-way, the carriage house is not visible from the street (see lower photo in DEIR Figure 8, DEIR p. 27). This is due not only to the existing garage door, but to the downward slope of the project site away from Divisadero Street. Therefore, the DEIR is correct in its summary characterization, as the carriage house is not generally visible from either sidewalk currently.

Opinions regarding the appropriateness of the 1979 addition are noted. Since project construction may require temporary removal of the garage door, the opportunity may exist to replace the door, with consideration of the Hinkel House Landmark status. The Historic Preservation Commission⁵ (and the Planning Commission, if applicable) may consider this issue as part of their hearing of the Certificate of Appropriateness and project approval. However, the fence and garage comment does not directly bear on the accuracy or adequacy of the DEIR.

The following text is added to the last paragraph on DEIR p. 16, continuing to p. 17 (new text is double-underlined):

The square footage (approximately 1,300 square feet) and height of the carriage house (currently about 22 feet) would be unchanged from its present condition, with the exception of the new cupola, or tower, which would rise about 9 feet above the existing roofline. (A new chimney would also be added.) Both the cupola and the chimney would be visible from the opposite sidewalk, over and above the existing fence and garage door, and somewhat obscured by an existing tree.

Comment 3

On 6/17/2007, I spoke at great length with Dr. Rodney Karr, who returned my urgent call from out of town, about the condition of the carriage house/stable when he lost the property in foreclosure just before it was bought by the sponsor, Richard Zillman. I had seen the interior when Dr. Karr owned it, and I believe Richard Zillman showed it to me again soon after purchasing it. I wanted to refresh my memory,

⁵ In November 2008, San Francisco voters approved Proposition J, which authorized creation of a Historic Preservation Commission, to assume the duties of the Landmarks Preservation Advisory Board and some of the power previously exercised by the Planning Commission and Planning Department with respect to historical resources. Specifically, among other duties, the Historic Preservation Commission (HPC) is empowered to act on Certificates of Appropriateness, such as is required by the proposed project for alternation of a City Landmark. The HPC also has authority over approval of modifications to Significant and Contributory Buildings in the Downtown (C-3) zoning districts and makes recommendations to the Board of Supervisors concerning Landmark and Historic District designations (and designations of Significant and Contributory Buildings and Conservation Districts in the Downtown. Like the Landmarks Board, the HPC also comments on Draft EIRs concerning projects that involve historical resources.

as I did not remember it being in the condition shown in the interior photos in the EIR, and especially did not remember all the interior studs being exposed, removed, or the floor being torn up. Dr. Karr described the interior as having all the original beaded board tongue and groove on the interior walls of the first floor, as still having the wooden first floor intact, as still having built in cupboards intact, as still having a simple but interestingly crafted stair to the second floor hay loft, and as not having any rot (I suspect there was some hidden dry rot).

After the obsolescence of the horse drawn carriage, it was common for properties with their own stables to have additional dirt or gravel brought in to level them up for automobiles. This often raised the ground level above the level of the wood structure. The sponsor, Richard Zillman is a very wealthy man with vast SF real estate holdings and interests in fast food restaurants in other cities. He has owned this property for 13 years. He had an obligation to spend a little elbow grease to shovel any dirt away from the wood of the structure, or spent a couple hundred dollars to hire someone else do it. In stead, he let further rotting occur, and now appears to have done extensive demolition to the interior of the carriage house/stable without a building permit, possibly weakening the structure to the point that it could collapse at any time (beaded board interior sheathing acts as a shear wall, and if the exterior siding is in as poor condition as the sponsor says, may have been crucial for the continued safety of the structure. I respectfully suggest the planning commission consider reporting this activity to the DBI for immediate investigation to prevent further damage to the historic fabric or injury to neighbors or other people in or around the structure. *(Mark Pope)*

In studying the case #2001.1056E, 280 Divisadero Street Carriage House, I first looked at the damage to the carriage house. I find that the owner has gutted the carriage house, allowing it to fall to extreme disrepair in order to make demolition and replacement seem like a good alternative. Shame. By removing major support walls and interior 2x4 structure the building is in a grave state of collapse which I assume the owner would like to happen. *(Marvis J. Phillips)*

Response 3

The comment is in regard to whether the treatment of the carriage house to date constitutes “demolition by neglect,” destruction of a building through lack of maintenance, or more willful damage. This comment does not bear on the adequacy of the DEIR, but the relationship of the condition of the building to the environmental analysis is discussed below.

The DEIR evaluates the proposed project in comparison to the existing setting at the time the Notice of Preparation (NOP) of an EIR was published, in this case, on March 20, 2004. This date is normally accepted as the appropriate baseline for environmental analysis under CEQA (CEQA Guidelines Sec. 15125(a)).

The sponsor has provided the information for the following narrative:

At the time of NOP publication, the project sponsor had owned the 280 Divisadero property, including the carriage house, for approximately 10 years. According to the sponsor, at the time he

purchased the property, “several courses of siding on the front of the carriage house were buried in the dirt”; the sponsor further states that he removed some of this dirt but did not fully expose all of the buried siding along the front (west) wall of the carriage house.⁶

Figure C&R-2 shows detail of the front wall near the northwest corner of the carriage house: in this photo, taken in 2003, the lower courses of siding show discoloration and paint loss that may have occurred as a result of being covered by dirt. Also by 2003, the project sponsor had dismantled the staircase leading to the second floor of the carriage house; according to the sponsor, this work was undertaken because an engineer’s opinion indicated that the second story was potentially unsafe for occupancy due to structural limitations. Accordingly, the sponsor took down the staircase. The sponsor also removed the interior wood sheathing.



Figure C&R-2: Detail of Carriage House Front Wall

The photograph on the following page, also taken in 2003, shows the carriage house interior with the staircase and interior sheathing boards lying on the ground floor. This image is presented as a replacement for the photographs in DEIR Figure 4.

The 2002 Landmarks Board Case Report (September 18, 2002) notes, “The historic function of the building is evident in the double carriage doors, with cross bracing, that are located on the right side of the front façade.” Figure C&R-1, p. C&R-5, presents a photograph of the carriage house that appeared in a real estate sales brochure for the 280 Divisadero property around 1978, and which is on file in the San Francisco History Room at the San Francisco Public Library, which keeps records connected with designated City Landmarks.⁷

There is no record of a building permit having been issued for this work. Both the damage to the exterior siding and the removal of the interior staircase and interior sheathing were existing conditions at the time the NOP was published and are therefore properly considered part of the environmental baseline.

Whether unpermitted work was undertaken is not germane to the CEQA analysis of the proposed project, although this may be considered, along with any other information in the public record,

⁶ Richard Zillman, project sponsor, e-mail to Karl Heisler, Environmental Science Associates, August 14, 2007. This communication is available for review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2001.1056E.

⁷ The photo on the real estate brochure was apparently reversed, but is presented with the correct orientation in Figure C&R-1.



C&R-9

Case No. 2001.1056E: 280 Divisadero Street . 203259
● **Figure 4**
Carriage House Interior Showing
Dismantled Staircase and Sheathing

SOURCE ESA

by the Historic Preservation Commission (and the Planning Commission, if applicable) as part of the decision on whether to approve the Certificate of Appropriateness and proposed project.

Comment 4

Appendix C inaccurately refers to the existing stable as a “carriage house” and existing residential unit. The steps a previous owner agreed to take in order to make it a legal unit were never done, as mentioned elsewhere in this EIR, and this was not built as housing for people. It was labeled a stable, according to the Sanborn insurance maps on file at the SFPL History Room, relevant copies of the map showing this property and the relevant Key/Legend were printed were faxed separately to the SF Planning Department [a Sanborn map submitted by the commenter is provided on the following pages]. to be incorporated as part of this public Comment to the draft EIR. They clearly indicate that the 2 story structure as 2 story stable.

A one-story structure was located south of this 2 story structure, roughly where the carport is now. It may have housed the carriage, or the 2 story structure may have housed the carriage and the horses. At this point, it seems to me that Sanborn seems to always label the buildings stables if any portion housed the horses, indicating them by 2 diagonal lines drawn from each pair of opposite corners, to make a big “x”. I have been unable to locate an example where Sanborn labeled a carriage house that did not contain horses as “carriage house,” even when it separate from the stables, and even for one known extant example of a carriage house separate from the stable.

I have some knowledge of SF stables and “carriage houses.” The carriage was stored in a structure separate from the horses to keep the dust stirred up from the hay bedding by the horses in their stalls from settling in the carriage, which had nothing to keep the dust off. Hay was no doubt stored in the upper part of the 2 story structure and was probably hoisted up there through the original window in the dormer in the mansard roof.

The project sponsor has verbally claimed that the horses were kept in a large, temporarily empty corner lot across the street. That is illogical, uncustomary, and the proof of it does not exist. The Sanborn insurance maps of the late 1800s prove this false, as the only empty lot does not have any provision for sheltering horses from the weather, and I suspect SF Water Department records will nor list any horse troughs there. Horses, hay, and carriage were all kept very close to each other for obvious efficiency reasons, and they huge vacant corner lot would have eventually sold for about \$8,000-\$12,000. at the time, that would have bought a lot of hay!!!!

<http://webbiel.sfpl.org/multimedia/sfphotos/AAC-5980.jpg>, SFPL photo ID#AAC-5980, Havens House and carriage house/stable, 1381 South Van Ness , taken 1957 Sanborn Insurance maps prove many residential blocks in San Francisco’s Western Addition had no stables in the entire block, even when much larger Victorian “estates” with real “mansions” were located on much larger, corner lots.

SANBORN
INSURANCE
MAP

82 1/2 ft. wide

DIVISADERO ST. →

349

CURRENT ADDRESS
IS 280 DIVISADERO

PAGE

1899 Sanborn Fire
Insurance Map
Submitted by commenter
Mark Pope
(page 1 of 2)

C&R-11

fax 558 - 6409

KEY

	Fire proof construction (or fire resistive constn.)		Window opening in first story.
	Adobe building.		Window openings in second and third stories.
	Stone building.		Window openings in second and fourth stories.
	Concrete, lime, cinder or cement brick.		Windows with wired glass.
	Hollow concrete or cement block constn.		Windows with iron or tin clad shutters.
	Concrete or reinforced concrete constn.		Window openings tenth to twenty-second stories.
	Tile building.		Open elevator.
	Brick building with frame cornice.		Frame enclosed elevator.
	" " " stone front.		" " " with traps.
	" " " frame side.		" " " self closing traps.
	Brick veneered building.		Concrete block enclosed elevator with traps.
	" and frame building.		Tile enclosed elevator with self closing traps.
	Frame building brick lined.		Brick enclosed elev. with wired glass door.
	" " metal clad.		Iron chimney.
	Frame building.		Brick chimney.
	Iron building.		Ground elevation.
	Tenant building occupied by various manufacturing or occupancies.		Vertical steam boiler.
	Frame building covered with asbestos.		Gasoline tank.
	Brick building with brick or metal cornice.		Open under.
	Fire wall 6 inches above roof.		Siamese fire dept. connection.
	" " 12 " " " "		Single fire dept. connection.
	" " 18 " " " "		
	" " 36 " " " "		
	Figures 8, 12, 16 indicate thickness of wall in inches.		
	Wall without opening and size in inches.		
	Wall with openings on floors as designated.		
	Opening with single iron or tin clad door.		
	" " double iron " " " doors.		
	" " standard fire doors.		
	Openings with wired glass doors.		
	Drive or passage way.		
	Stable.		
	Auto house or private garage.		
	Solid brick with interior walls of C.B. or C.B. and brick mixed.		
	Mixed construction of C.B. and brick with one wall of solid brick.		
	Mixed construction of C.B. and brick with one wall faced with 4" brick.		
	Mixed construction of C.B. and brick throughout.		

CODING OF STRUCTURAL UNITS FOR FIREPROOF AND NON-COMBUSTIBLE BUILDINGS

FRAMING
CODE STRUCTURAL UNITA. Reinforced Concrete
Frame.
Reinforced ConcreteFLOORS
CODE STRUCTURAL UNITi. Reinforced Concrete.
Reinforced Concrete with
Masonry Wall.
Pre-cast Concrete or
Slabs or Planks.ROOF
CODE STRUCTURAL UNITa. Reinforced Concrete
Reinforced Concrete
Masonry Unit
Reinforced Concrete
Pre-cast Concrete

C&R-12

1899 Sanborn Fire
Insurance Map
Submitted by commenter
Mark Pope
(page 2 of 2)

When the larger mansions had carriage houses/stables, they were often multiple structures of 2 or 3 or more parts tied together with common walls, often with a central, 2-story structure with the 2nd floor often used for hay storage with wooden doors with no glass that would open and a cantilevered beam with a pulley and rope used to hoist the hay bales. One of the 2 or 3 structures was often used for the horse stalls, one for the carriages, and one for a tack room(s), with really large ones having accommodations for at least one groomsmen and or coachman. The grandest of all was Ben Ali Haggin's Nob Hill stable that was grand enough that it housed dozens of carriages, dozens of horses, rooms for equipment and a huge staff, and he was frequently begged for tours of it. It was allegedly decorated and used for a fancy dinner party after the Caruso Opera on the eve of the 1906 quake.

The Sanborn Insurance map indicates that the 2 story carriage house/stable structure, had a non combustible roof of metal, slate, tile, or asbestos shingles (marked by a small "o") and that the original one-story structure next to it had a combustible roof of shingles.(marked with a small "x") (*Mark Pope*)

Response 4

The comments concern DEIR Appendix C, the Historical Architectural Evaluation of the proposed project provided to the Department by a subcontractor to the EIR consultant, and its characterization of the existing building throughout as having a traditional a residential use, versus stable, along with that of a carriage house.

The comment is correct in stating that the structure identified in the DEIR as the carriage house at 280 Divisadero Street is denoted by the "X" symbol for a stable in the Sanborn fire insurance map for 1899, shown in the Sanborn map submitted by the commenter. The map identifies the building as two stories in height, as is the current structure. A one-story structure is noted as being adjacent on the south to the two-story building where the current carport is located. In the 1913 Sanborn map, the two structures are denoted together with the "X" symbol for stable, with the northerly building, identified in the EIR as the carriage house, shown as 1½ stories and the southerly building indicated as one story. A notation next to both structures on the map states, "Not Used." The project sponsor has stated that hay remnants have been found in the upper story of the carriage house, indicating hay storage. Thus, it appears that horses, as well as carriages, may have been kept on the property at 280 Divisadero Street. Whether horses were kept on the property, however, does not affect the conclusions of the DEIR, that the carriage house is part of Landmark #190, and that the proposed project would result in a significant adverse effect on the historical resource carriage house, per CEQA.

Concerning the location of any nearby stable(s), the commenter is correct in stating that Sanborn maps do not indicate a stable existed across Divisadero Street from the project site. The 1893 Sanborn map does show the existence of the "Haight Street Stables" at 625 – 627 Haight Street, between Pierce and Steiner Streets, about three blocks southeast of the project site.

The comment provides additional information, but not new information that would change the analysis of impact, or DEIR conclusions.

Comment 5

The interior photos in the document are difficult to see—they are too dark. *(Mark Pope)*

I am limited by the poor quality and quantity of photos included in the EIR as to the current state of the structure. *(Mark Pope)*

The photos of the interior and exterior of the stable are inadequate, and the interior ones are printed or taken too dark for me to comment on how much historic structure appears intact and were selected to try to show reasons to “demolish” the structure, not the original elements that are worth saving. I consider them inadequate in quality and number, subject matter and point of view. *(Mark Pope)*

Response 5

The comments note that the photos in DEIR Figure 4 of the interior of the carriage house are difficult to read. The image in Revised Figure 4, p. C&R-9, which replaces DEIR Figure 4, shows a wider-angle view of the interior conditions of the existing carriage house. These photographs are not a substitute for thorough documentation of either building features or conditions and are presented to provide some indication of existing conditions.

Impacts

Comment 6

The [Landmarks Preservation Advisory] Board concurs with staff findings that the proposed project is not consistent with the Secretary of the Interior’s Standards for Rehabilitation and would pose a significant change to the landmark property. *(Robert Cherny, Vice President, Landmarks Preservation Advisory Board)*

I agree with most of the comments made by the SF Planning Department’s regular preservation staff. *(Mark Pope)*

Response 6

The comments are noted and, as they concur with the DEIR conclusions, no response is required.

Comment 7

Pages 3 and 38. The staff is correct in its assessment that the potential impacts include both the demolition of the carriage house and the proposed replacement building. However, the former depends on whether the carriage house remains a contributing resource. Based solely on the photographs, the

acceptance of the carriage house as a contributing resource should be called into question. Is there really enough integrity left for the structure to continue to convey its historic significance? Haven't the alterations severely reduced all or some of the seven aspects of integrity? Page 38 evaluates integrity with respect to the demolition, but not whether there is integrity in the first place. (*Hisashi B. Sugaya, AICP*)

Response 7

The DEIR, on p. 28, includes discussion of integrity as the comment refers to. Page 28 includes reference to the Department staff memorandum, included in Appendix D (memo of July 12, 2004), where building integrity is analyzed and which acknowledges diminished integrity to the aspect of design. Also on p. 28, the DEIR acknowledges that the project sponsor "has disputed the Planning Department's assessment of integrity of the existing carriage house." A conservative CEQA assessment, where disagreement exists as to integrity, would comport with the DEIR and the assumption is that integrity is retained. However, given the Planning Department evaluation of integrity, that it is retained clearly six of seven aspects (location, materials, workmanship, setting, feeling, and association), and only lacking in the aspect of design, the DEIR assessment of historic significance would also appear appropriate by less conservative measures of impact evaluation.

Comment 8

Page 39. Cumulative Impacts. Why wasn't this carriage house compared with other carriage houses in the greater neighborhood? This is inconsistent with my experience. For a proposed project involving a carriage house at 87 Ford Street, the project sponsor was required to survey any existing carriage houses in a large area around the project site. There were no historic districts in this same area. The project was of limited scope with even less loss of historic fabric than the 280 Divisadero carriage house. (*Hisashi B. Sugaya, AICP*)

Response 8

As stated on DEIR p. 39, the DEIR found that the proposed project would not result in significant cumulative impacts because of its limited scope; that is, effects would be limited to the carriage house and the site of City Landmark No. 190. The proposed project is not within an existing historic district. Moreover, the Planning Department did not identify other projects involving carriage houses or former carriage houses that could combine with the proposed project to result in cumulative effects.

With specific regard to the project at 87 Ford Street mentioned by the commenter, the Ford Street project is distinguished from the proposed 280 Divisadero Street project in a number of important ways. The Ford Street project (Case No. 2004.0028V and Case No. 2005.0952V) was initially submitted to the Planning Department as a proposal to renovate and expand an existing carriage house. A Categorical Exemption was issued under CEQA because the Ford Street carriage house

had been heavily altered and thus lacked integrity, and because the original project appeared not to adversely affect the structure. However, the sponsor exceeded the scope of the approved permit when the construction progressed to removal of all but one exterior sidewall. Following complaints from neighbors, the Department of Building Inspection issued a stop work order. At that point, the building had essentially been demolished. The Planning Department did not require an EIR but required the sponsor to provide more information about the history of the building and about carriage houses in the neighborhood, including whether a thematic district might exist. No such district was identified in that neighborhood. Another difference between 87 Ford Street and 280 Divisadero Street include the fact that the physical setting at Ford Street is substantially different because the Ford Street carriage house is on a public street: the 87 Ford Street building is on a corner lot at Noe and Ford Streets, and the carriage house directly faces the street (similar to the carriage house at the McMorry-Logan House at the corner of Haight and Laguna Streets, photos of which were submitted by commenter Mark Pope with his EIR comments and are reprinted in this Comments and Responses document beginning on p. 18).

Comment 9

I agree that this qualifies as a demolition by the “Secretary’s Standards.” (*Mark Pope*)

Response 9

The Draft EIR states, in the Introduction beginning on p. iv, that the project was initially evaluated by the Planning Department as “exterior alterations to the carriage house,” but that “Subsequent to publication of the Initial Study, Planning staff, in conducting further review of the proposed project, determined that the project would be considered “demolition” of the carriage house under the standards set forth in Article 10 of the Planning Code” governing treatment of Landmarks [not the Secretary of the Interior’s Standards for the Treatment of Historic Properties].

Comment 10

Comments on Appendix C, “Historic Architectural Review” dated December 7, 2005 and prepared by Mark Hulbert of Preservation Architecture.

Appendix C is improperly labeled “Historic Architectural Review”. The letter dated Dec. 7, 2005 is labeled “Historic Architectural Evaluation of Proposed Project” It then contradicts this title by saying “This evaluation does not address the removal of the existing structure”. Therefore it is deceptive in its labeling and title, and inadequate in that it does not address the removal of “historic elements” still there nor does it describe what is currently there.

This section is biased, inaccurate, and incomplete, and was purchased from an architect who professes to be an “architectural conservator”, but this report and other articles found on the internet by Googling “Mark Hulbert” Oakland demonstrate that some people in the preservation community including me

consider him to be biased in favor of developers or agencies who want to destroy, not conserve historic architecture.

From information on the Internet it seems Mr. Hulbert does have previous experience in helping developers create new, expensively priced, fanciful versions of what he thinks an all new “carriage house” should look like when used to create additional residential units.

. . .

Hulbert first confuses the new use of the proposal as a 2nd unit as proof that a false sense of historical development is not created, when the standards from the Interior Department refer to features or elements of decorations, not function. He then admits the design could be confused as being authentic Victorian Period building. He then says the design is compatible. It is not because the PICS included in my comments clearly show how utilitarian a structure of this type would look for a house and grounds of this size and cost (see PIC of 198 Haight Street) versus one of much larger grounds and house and cost (see photo Bell mansion and grounds at 1661 Octavia). (*Mark Pope*)

Response 10

The origin of the Historic Architectural Evaluation included in DEIR Appendix C is explained in the DEIR on p. 3 and also on pp. 31 – 32. The report was prepared under subcontract to the EIR consultant, whose work, in turn, was under the direction of the Planning Department’s Major Environmental Analysis division. Prepared after the Department’s determination that the proposed project would constitute a “demolition,” the Historic Architectural Evaluation “does not address the removal of the existing [carriage house] structure” and instead focuses on the “proposed new construction” because demolition would, by definition, result in a significant adverse effect, and need not be evaluated further. The focus of the Historic Architectural Evaluation was narrowed to the impact of the proposed new construction at the location of the carriage house on the landmark site, to determine the impact of the new construction, and inform the preparation of an EIR. Planning Department staff disagree with the conclusions drawn in Appendix C, as set forth on DEIR pp. 32 – 38. Throughout the description of environmental effects on historic resources in Chapter III.A, the DEIR presents the Planning Department’s analyses, determinations, and non-concurrence with the document provided. The Major Environmental Analysis division gave no further direction to the subcontractor. Appendix C is included in the DEIR for informational purposes.

The opinion of the commenter is noted. However, since neither the Department determinations nor DEIR analysis rely on the Historic Architectural Evaluation included in Appendix C, the comment does not affect the findings or conclusions of the DEIR. No further response is required.

Photos of an existing carriage house adjacent to 198 Haight Street, provided by the commenter, appear on the following pages.



Photographs submitted by
commenter Mark Pope
(page 1 of 2)





C&R-19



Comment 11

There are at least 3 distinctive features of this carriage house/stable discernable without ever setting foot in it. One is the Mansard roof, the integrity of which would be disturbed and blurred by the extensive alterations the sponsor and Hulbert propose. The other is the fact that this is a freestanding one and was never located on a corner lot. It is highly unusual for a Victorian to have its own stable and not be located on a corner lot for access. It necessitated that the house builder/owner buy at least a double lot at twice the cost in order for there to be room beside the house to maneuver the horse-drawn carriage to the rear of the house (in this case 17 feet, a huge amount considering expensive SF land costs). I know of no other extant SF carriage house/stables that have a Mansard roof or are on properties that were not corner properties when built. *(Mark Pope)*

Response 11

The features the comment describes are noted in the DEIR on p. 9, on p. 25, in a passage from the Landmark designation Statement of Significance, and on p. 26, quoting from the Department-prepared description of the historic resource's character-defining features.. Thus, the DEIR not only cites formal determinations which include the noted features, including the large lot, mansard roof, and location of the building on the site it sets these important descriptions out for the reader, as full text excerpts, for appropriate emphasis. The observations of the commenter on the rarity of these features do not add information to change the analysis or determinations made in the DEIR.

The opinion of the commenter on the treatment of the mansard roof with the proposed project is noted. The project, preservation alternative, reconstruction alternative, and new construction alternative—all of the build options presented in the DEIR—include a mansard roof in some form, as a character-defining feature and objective of the project sponsor. All of the options include the same building footprint, shown in DEIR Figure 2 on pp. 11 and A-3 of the Initial Study. The issues raised in the comment are addressed in the DEIR the structure of the alternatives, where treatments are described and impacts are discussed; no further comment is necessary.

Comment 12

It is my understanding that this carriage house/stable does not have a “foundation” per se. If so, that is a distinctive feature, as all of the extant carriage houses/stable that I know of have brick foundations. The fact that this had no foundations as we normally see on extant carriage house/stables should be preserved in some way, even if a new foundation is required for seismic or other reasons. The new foundation could avoid the areas where whatever rock or other material that originally and now holds it up is located. *(Mark Pope)*

Response 12

As described in the DEIR project description, one component of the proposed project is construction of a complete new perimeter foundation of concrete. According to the sponsor, a new foundation is required to adequately support the carriage house and would also be necessary to achieve Building Code compliance. Although the carriage house apparently was constructed without an adequate foundation, a new foundation would be considered an unavoidable requirement of any build option considered in the DEIR whether or not the existing system is considered part of the historic building fabric. However, Mitigation Measure 1, which calls for photographic documentation of the existing structure would record visible information about the foundation.

The proposed project would be limited to the approximately 700-square-foot area of the existing carriage house (plus associated utility lines that would connect the carriage house to Divisadero Street). Regardless of the existing foundation type, or lack thereof, new construction would require demolition of historic building fabric as indicated in the DEIR.

To clarify the area to be disturbed for construction of the proposed new foundation and new utility lines, the following text is added to the EIR Project Description, at the end of the first full paragraph on DEIR p. 17:

Project construction activity, including trenching for utility lines to serve the carriage house, would avoid the area formerly occupied by what may have historically been a privy,^{14a} against the southern property line between the former stableman's/coachman's house (at the southern end of the carriage house, where the carport is now located) and the main house.

DEIR Footnote 14a: A privy is a historic domestic waste disposal site that can be of importance to research into historic lifeways; that is, materials recovered from a privy can provide information as to materials used and patterns of daily life during the period associated with the recovered materials.

Comment 13

Sponsor's statement re standard #6 that it is not applicable is puzzling and false. Is sponsor saying it is not applicable because he is going to destroy all historic features which may be true, or that there are no deteriorated historic features which is false.

Sponsor's statement re standard #9 is incorrect. Many people just learning about Victorians, and even any non "experts" and some experts will be fooled by this design. (*Mark Pope*)

Response 13

The comment is in response to the text found in the DEIR (pp. 35 and 36), which describes the findings of a historic architectural review prepared for the EIR with respect to the Secretary of the

Interior's Standards for Rehabilitation. As stated in Response 10, this report was prepared under subcontract to the EIR consultant, whose work, in turn, was under the direction of the Planning Department's Major Environmental Analysis division.

As explained on DEIR p. 4, in the discussion of "Areas of Controversy and Issues to be Resolved," the proposed project was determined by Planning Department staff in 2006 to constitute "demolition" of the carriage house, according to the standards in Article 10 of the Planning Code. Standard 6 (concerning "repair" rather than "replacement" of historic features) is not applicable to the proposed project because the project would "demolish" the carriage house, under Article 10. The EIR finds this demolition to be a significant, unavoidable impact (DEIR pp. 2, 4, 5, 31, 44, and 45). To clarify the standards under which the proposed project would be considered for a Certificate of Appropriateness, the following revisions are made to the first paragraph on EIR p. 5, at the conclusion of the section entitled, "Areas of Controversy and Issues to be Resolved" (new text is double underlined; deleted text is shown in ~~strike through~~):

The Planning Commission (or Board of Supervisors on appeal) Historic Preservation Commission (or Board of Appeals on appeal) will decide whether to approve, approve with conditions, or disapprove the proposed project Certificate of Appropriateness. Because the project would involve demolition of the carriage house, under the standards of Article 10, consideration of the Certificate of Appropriateness would involve whether both the "demolition" and the "new construction" of the replacement carriage house would "preserve, enhance or restore, and ... not damage or destroy, the exterior architectural features of the landmark" and "shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting" (Planning Code Sec. 1006.7(b)). Consideration of the Certificate of Appropriateness would not occur until after Planning Commission (or Board of Supervisors on appeal) review and certification of the EIR.

The comment expresses general agreement with the Planning Department staff findings and the DEIR. The DEIR did not rely on the conclusions of the historic architectural review that are cited by the commenter as a concern. Thus the analysis and findings of the DEIR would not change with the comment.

Archaeological Resources

Comment 14

The statement found on A.21, 13) Archaeological Resources [in the Initial Study, DEIR Appendix A], contains two errors. First, it is excavation of soils, not just removal of them, that would disturb any subsurface cultural resources, and this project involves significant excavation, up to 4 feet for a foundation and for a utility trench. Second, this section does not adequately address current standards to identify the potential or presence of archaeological deposits. There is a high potential for this property to

contain historic-period archaeological deposits. The back boundary-line of a property is often the area where back-filled wells and/or privies associated with late Nineteenth and early Twentieth Century urban living are located. The area of the carport and carriage house, depending on the date of construction, is the most obvious place to find these types of deposits. In addition, given the lack of background history provided for this property in the document, there remains the potential that there are deposits associated with buildings present previous to the existing residence and carriage house. Therefore, so that the City will meet its obligation under CEQA regarding archaeological resources, it is recommended that an archaeologist familiar with the history of San Francisco conduct prefield research, a field examination, and provide any further recommendations. (*Leigh Jordan, Coordinator, Northwest Information System*)

Sponsor's statement re standard #8 that it is not applicable is false. The Sanborn insurance maps show that there was a one-story structure with a shingle roof (designated with a small "x") located where the carport is now and where the sponsor wants to build a new one story structure with a foundation. Excavation of the ground should be done with qualified Architectural Archeologists present to determine the location and outline of the original one story structure and it should be visibly indicated with permanent markers of some kind and labeled with a plaque for future reference, or the new structure should be built to the same dimensions. The same should be done when disturbing the soil in any other areas which the Sanborn maps or other historic documents/photos how structure(s) (now gone) were located. (*Mark Pope*)

Response 14

The comment clarifying the statement that excavation, not soil removal, as the cause of potential impacts to archaeological resources is accepted. However, current standards of assessment confirm the Initial Study conclusion that foundation construction and utility trenching could not result in a significant impact because these activities are limited to an area of low-potential for artifact discovery at this site (please see Response No. 12) and therefore no mitigation would be required.

While a depth of 4 feet can be archeologically significant, in the context of development in an urban area, excavation to this depth is considered shallow. Nonetheless, it is depth combined with discovery potential which indicate sensitivity.

Although the back boundary-line area of many properties were used for wells or privies, in this case, cartographic evidence from the U.S. Coast Survey map of 1869, the Frederick Marriott birds-eye "Graphic Chart" of 1875, and the Sanborn Fire Insurance maps of 1886 – 1893 strongly indicate that the project site was not occupied or improved prior to 1885, the time of the site's development by the Hinkel family⁸ Since the carriage house and the attached stableman/coachman residence (where the carport is now located) were original structures, they

⁸ Randall Dean, Archeologist, Major Environmental Analysis Division, San Francisco Planning Department, personal communication, October 21, 2008.

would not cover potential historic-period features.⁹ Additionally, it would not have been acceptable by Victorian standards to locate the privy or well within these buildings. Therefore their footprints would not yield archeological information.

The most likely candidate for the privy structure is the small square-shape structure shown against the southern property line between the coachman house and the Main House on the 1886 – 1893 and 1899 – 1900 Sanborn maps. (A portion of the 1899 – 1900 Sanborn map is reproduced on p. C&R-11.) As clarified in the project description (see text added to Response No. 12), construction activity, including trenching for utility lines to serve the carriage house, would not disturb the area formerly occupied by this structure. Therefore, the excavation sites would not be considered sensitive and any privy or well associated with Hinkel family members and their servants would be unlikely to be affected by project excavation.

Thus, fulfilling obligations pursuant to CEQA, using current standards of project impact assessment, existing documentation informing the likelihood and potential presence of archeological resources, and the limited area to be affected by soils-disturbing activities, the Planning Department archeologist determined that for the reasons above no mitigation would be required because the project could not adversely affect potential archeological features, such as artifact-filled privies/wells or trash pits. The Northwest Information Center's important comments are addressed, result in no change to the DEIR findings, and no further analysis would be required.

Mitigation Measures

Comment 15

Pages 5 and 43. As a suggestion, it would be simpler to cite the HABS Photographic Standards with respect to the photographs. (*Hisashi B. Sugaya, AICP*)

Response 15

The mitigation identified on DEIR pages 43 and 5 (in the Summary) does identify Historic American Buildings Survey (HABS) level II documentation. The more specific direction included in the mitigation measure is based upon the HABS level II documentation requirements as published by the National Park Service.¹⁰

⁹ Lawrence Anstead, letter to Anne Bloomfield [architectural historian], May 6, 1979, citing his mother's recollections that "a stableman/coachman lived in a little lean-to in the back yard." This letter is on file and available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2001.1056E.

¹⁰ National Park Service, *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards*, 1990. Available on the internet at: <http://www.nps.gov/history/hdp/standards/standards.pdf>.

Comment 16

Should extant historic fabric be salvaged, or used in any replacement structure? (*Hisashi B. Sugaya, AICP*)

Response 16

The Historic Preservation Commission, should it approve the proposed project (or an alternative) could include a condition of approval requiring salvage of historic materials. As stated in the Project Description, DEIR p. 15, "Exterior siding would be reused where feasible, based on condition," and thus the project as proposed includes salvage and reuse of historic material, as feasible. As a result, no change is necessary to the DEIR.

Alternatives

Comment 17

Pages 7 and 48. Alternative C. Reconstruction. I not believe the description of what would be allowed in this alternative would meet the reconstruction standards. Although the standards are paraphrased on page 50, there is no analysis of each of the six standards with respect to the preservation technical specialist's evaluation. Troublesome are the following:

- A. "One option, using a "restoration" approach that would restore what is believed to have been a symmetry..." See standards 1 and 4. You can't "believe;" you have to "know."
- B. "... infill one-time carriage doorway... with a glass wall. See standard 6.
- C. "The existing 414 window... a matching window installed to the south." Evidence? Isn't this conjecture based only on a reasoned knowledge of architectural styles and building types, but not real evidence?
- D. "Flush-mounted skylights..." Again, see standard 6.
- E. "... the southern side of the second floor could be modified with a dormer..." Evidence for a dormer? See standards 1, 4 and 6.
- F. Further, the options listed on page 48 and continuing to page 49 are not in compliance with the reconstruction standards. Has a paint analysis been conducted to establish that a "multi-colored exterior paint scheme" is appropriate? What evidence is there for the use of "architecturally patterned shingles on the mansard roof" except for the reference to the main house? The use of this "evidence" is conjecture and not in compliance with the standards.
- G. Reconstruction would not allow an attached garage.
- H. There is not enough tangible evidence to justify the conclusion of "consistency with the Secretary of the Interior's Standards for Reconstruction." If this cannot be established, it calls into question whether this alternative has less-than-significant impacts.

Page 51. The reasoning here about whether this alternative has a less-than-significant impact is based on "simplifying the design" and "retaining the feel of a secondary structure." These reasons may be true in

comparison with the proposed project, but do not hold water unless the alternative actually meets the reconstruction standards. (*Hisashi B. Sugaya, AICP*)

Response 17

As stated on DEIR p. 50, Alternative C assumes consistency with the Secretary of the Interior's Standards for Reconstruction. Further and more specific design work would be required, including consulting with a qualified preservation architect, would have to be undertaken to ensure consistency with the Secretary's Standards, should this alternative be approved by the Historic Preservation Commission (or the Planning Commission, if applicable) and the sponsor chose to proceed with this alternative. Nevertheless, under CEQA, it can reasonably be concluded that this alternative would avoid "physical demolition, destruction, relocation, or alteration" of the Charles Hinkel House and Carriage House (Landmark No. 190) such that the physical characteristics that account for its landmark designation would not be demolished or materially impaired, and that, under CEQA, this alternative would result in a less-than-significant impact. Accordingly, no change to the DEIR text is required.

Comment 18

The [Landmarks Preservation Advisory] Board was concerned that the drawings on pages 49 and 53 of the Draft EIR were not clear. The Board recommended making it clear that these are only examples of the kind of alternatives that could be done. (*Robert Cherny, Vice President, Landmarks Preservation Advisory Board*)

Response 18

Staff believes that the first point, regarding the DEIR illustrations of Alternatives C and D, is already made in the DEIR. The discussion of Alternative C, Reconstruction Alternative on DEIR p. 48 states that reconstruction "could mean either a new structure identical to the carriage house in its existing state or a new structure as the carriage house was in an earlier state." The text goes on to present two options for the Reconstruction, "based on the recommendations of the [Planning Department staff] preservation technical specialist" the first of which is called a "restoration" approach "that would restore what is believed to have been a symmetry in the west façade" by installing a new 4/4 window in the southern bay of the carriage house, and placing the building entrance in the center. Figure 9 on DEIR p. 49 is presented as an illustration of this option. The DEIR text next presents another option that would install an entrance in the center, within the existing opening, and infill the southern bay (carriage door) with a glass wall. Because more than one option is presented in the DEIR for the Reconstruction Alternative, it is clear that Figure 9 represents one option, and that other options are potentially available.

Concerning Alternative D, the New Construction Alternative, the text on DEIR p. 51 states that under this alternative "the new building would not attempt to reconstruct the carriage house in

appearance and could take on a *variation of designs* provided that it would not cause a substantial adverse change in the significance of City Landmark No. 190” (emphasis added). The DEIR notes that the Planning Department preservation technical specialist determined that new construction under this alternative would not result in a significant adverse effect on the landmark “as long as it maintains the utilitarian character of the carriage house and a secondary relationship to the main house.” On p. 52, the DEIR notes that the sketch in Figure 10, p. 53, was developed “[d]uring review of the project for preparation of the historic architectural review [by] Mark Hulbert, the preservation architect retained by the EIR consultant”; footnote 45 on that page states, “Although not expressly developed as an EIR alternative, but rather as a tool for analysis, the architect’s sketch suffices *as one potential example* of how this alternative might be designed” (emphasis added).

In light of the above, the DEIR is clear that both Figures 9 and 10 represent exemplars of Alternatives C and D, respectively, and no change to the DEIR text is required.

Comment 19

If the carriage house has lost its integrity, it is no longer a contributing resource. If that is true, there is no reason for the environmental review. If that is true, a new building should be reviewed on its own merits, compatible with the main house, but with a contemporary design. None of the illustrated designs, including Alternative D, currently meet this criterion (Secretary of the Interior’s Standards for Rehabilitation 3 and 9). (*Hisashi B. Sugaya, AICP*)

Response 19

As described above in Response #7, p. C&R-15, in response to a comment on the issue of the existing integrity of the carriage house, the DEIR cites Planning Department staff review of the carriage house and their conclusion that the building retains integrity as to six of the seven aspects by which integrity is measured—location, design, materials, workmanship, setting, feeling, and association)—and lacked only design integrity. The DEIR also acknowledges different opinions about the integrity of the building.

The project sponsor has indicated that a contemporary design would not meet his objectives. The design in Figure 10, DEIR p. 53, while it “generally would be in keeping with the recommendations of the Architectural Review Committee” of the Landmarks Preservation Advisory Board, which considered the proposed project in 2001 and “recommended that the project be simplified,” is not intended as the only possible such design. Another new construction variant, with contemporary design, is presented, along with the text added below, for consideration and discussion by the Historic Preservation Commission (and the Planning Commission, if applicable) in providing direction to Department staff on the appropriate design for new construction. The Commission(s) could also stipulate a certain design theme or concept as part of project approval.

To add an additional potential design for new construction, a New Construction Alternative Variant, the following text and figure are added to the DEIR, on p. 52, following the first paragraph:

During preparation of the Comments and Responses document, Planning Department staff created a sketch of one possibility for contemporary new residential construction design (see Figure 11). The new building would occupy the same footprint and would be approximately of the same massing as the carriage house. Like the proposed project, it would be a two-story structure with the existing carport converted to a garage.

Under the design illustrated, the entrance to the open-plan structure would be among a series of sliding frosted glass panels along the western façade. Glazed and metal panels would cover the structure and roof, the center gable mimicking the pitch of the carriage house hay loft, extending the shed geometry across the structure including the roll-up frosted glass garage door and deck area above. The central cross-bracing of the original carriage house doors would be etched on the glass panels at their original location. Solid panel areas would define the original hay loft opening. Recessed shadow areas would emphasize the locations of the former building's openings.

To incorporate the New Construction Alternative Variant into the remainder of the discussion of Alternative D, the following revisions are made, beginning with the second paragraph on DEIR p. 52 and continuing to p. 54 (new text is double underlined):

As described in the Introduction to this Draft EIR, the proposed project was presented to the Landmarks Board Architectural Review Committee on December 19, 2001, and subsequently presented at the Landmarks Board hearing on September 18, 2002.^[DEIR footnote 46] Members of the Architectural Review Committee recommended that the proposed project be simplified; however, their directions were not specific as to the amount of simplification that would be appropriate. The above-described alternative or variant would result in a structure that is substantially less ornate than the proposed project and therefore, generally would be in keeping with the recommendations of the Architectural Review Committee. While this alternative happens to be consistent with the general recommendations of the Architectural Review Committee, it is important to acknowledge that the design of this alternative was created independently of the Architectural Review Committee deliberation and was not the result of the Committee recommendation.

Impacts

As with the proposed project, the New Construction Alternative or variant would result in a significant impact due to demolition (under the standards set forth in Article 10) of the carriage house. However, unlike the proposed project, the New Construction Alternative or variant would not alter the relationship of the primary structure (the main house) to the secondary structure (the carriage house) that characterizes the City Landmark No. 190. Moreover, the New Construction Alternative or variant would avoid the potential for creating a false sense of

historic development by omitting the elaborate detailing proposed as part of the project. Compared with the proposed project, the New Construction Alternative or variant would have a simplified design that would be consistent with the historic relationship of structures on the site by maintaining the visual appearance of a secondary structure rather than creating a second edifice that competes with the main Hinkel House. The design of the New Construction Alternative or variant would result in a structure that is subordinate to the Main Hinkel House and therefore, maintains its utilitarian relationship to it. As such, the New Construction Alternative or variant would not adversely impact the historic character of the overall City Landmark No. 190 and its environment.

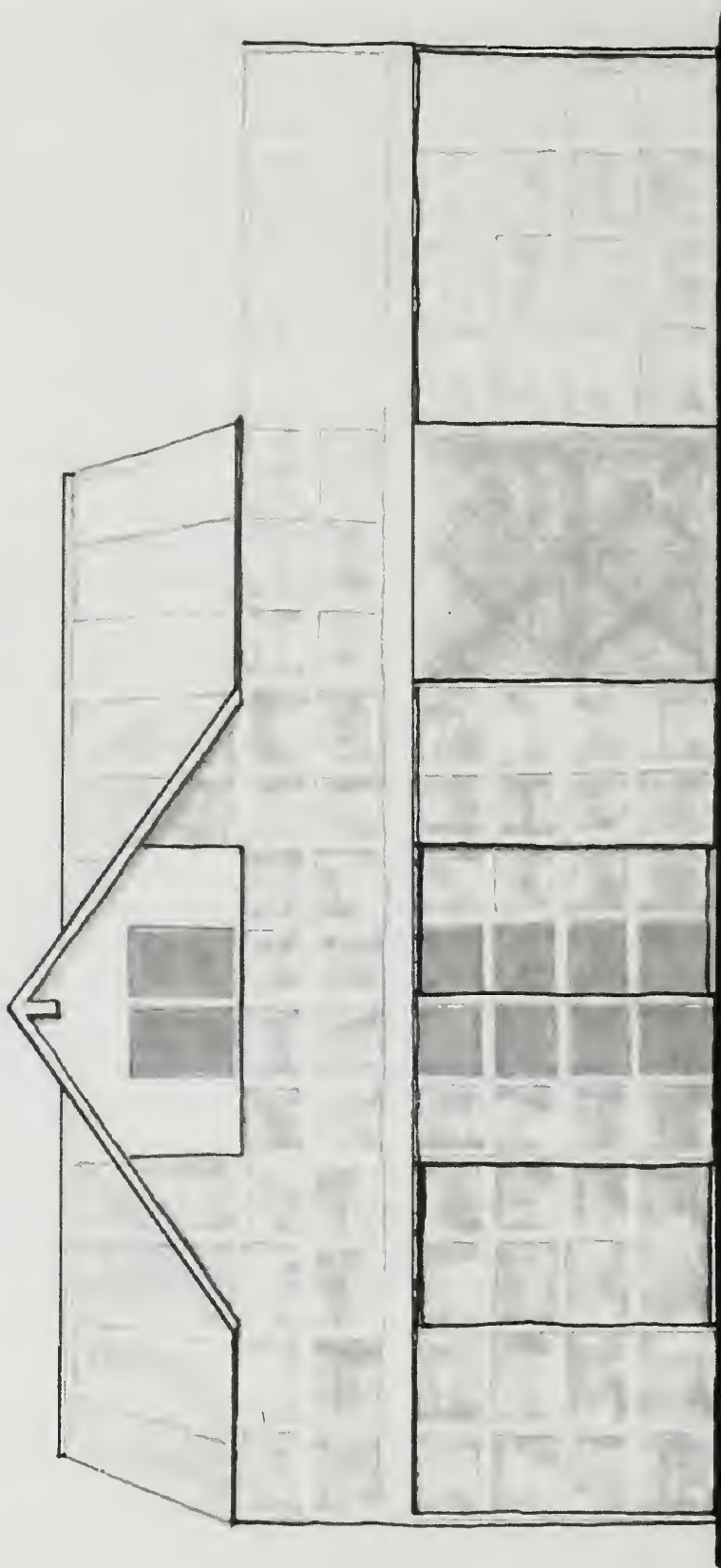
Other impacts of this alternative would be identical to those of the proposed project, as discussed in the Initial Study (see Appendix A and Section III.C); none of these impacts would be significant.

The New Construction Alternative or variant would be environmentally superior, compared to the proposed project, because while it would result in the same significant and unavoidable impact as the project due to demolition (as defined in Article 10) of the carriage house, it would not result in new construction that Planning staff has found to be inconsistent with the Secretary's Standards, and the associated impacts on the overall City Landmark No. 190. This alternative would meet the project sponsor's objectives of allowing the carriage house to be used as a second residential unit, providing adequate light for the dwelling unit, and stabilizing and structurally enhancing the building. However, it would not, in the sponsor's opinion, achieve his stated objectives of 1) creating an attractive structure that would maximize the enjoyment of, and willingness to pay rent by, future occupants; and 2) creating a design consistent with the Second Empire-style architectural features of the main house, including the addition of architectural features and decorative elements such as doors and windows surmounted by pediments and flanked by columns, a cupola, and decorative wood trip iron work. The sponsor believes this alternative retains too much of a barn-like appearance. The project sponsor has indicated that a contemporary structure would not meet his objectives. According to the sponsor, "To work appropriately in San Francisco Victorian architecture, you need to be swept in the pure exuberance of it."

While the New Construction Alternative Variant in newly added Figure 1 meets the criterion of the comment letter, it is provided as a point of information, one possibility for direction among many. The DEIR impact findings regarding Alternative D are not changed.

Comment 20

San Francisco has only a handful of carriage houses left standing and as a landmark house with carriage house I encourage you to follow Alternative B, the Preservation Alternative and not allow any housing development to occur at the site of the carriage house. *(Marvis J. Phillips)*



Response 20

The commenter's support for Alternative B is noted, and will be considered by the Historic Preservation Commission (and the Planning Commission, if applicable) in its deliberations on the merits of the proposed project. The commenter's observation about the rarity of carriage houses comports with the Landmarks Preservation Advisory Board case report for the designation the Charles Hinkel House and Carriage House as a City Landmark, which, as noted on DEIR p. 25, stated that property's unusually large lot "allowed space for landscaping and a carriage house, completing the presentation of an intact nineteenth century residence."

Non-CEQA Issues

Opposition to Project Approval

Comment 21

According to Courtney Clarkson, a member of the Victorian Alliance, SF realtor, and past and/or current vice-president of the Pacific Heights Residents Association, the project sponsor told her about 2 years ago that this new "carriage house" design on a photograph of a now demolished ornate SF Victorian "carriage house" on the huge block long Thomas Bell estate that was located at 1661 Octavia. Between Sutter St. and Bush St.

See SFPL Photo Bell Mansion and carriage house/stable, Photo ID# AAC-5930,
<http://webb1el.sfpl.org/multimedia/sfphotos/AAC-5930.jpg>

The carriage house/stable shown in this photo of the Bell mansion & estate is fairly simple for such a huge and ornate Italianate mansion and grounds and shows 3 distinct areas probably horse stalls on the left, carriage in the middle, and tack room and or stable hand room on the right. The Sanborn map of this estate shows two big diagonal lines through all three component structures, leaving us to question exactly which parts were used for what purpose, so one is left to interpreting that from the photo by the size and location of the windows, doors, and paved ground widths.

A more appropriate example of an unaltered carriage house/stable appropriate to the scale and modest grandeur of Hinkel house is the extant McMorry-Lagan House and "carriage house" stable at 198 Haight St. corner of Laguna St. (see 4 emailed PICS), SF Landmark #164 the exterior of which has not been altered in my opinion and certainly not since it was photographed in 1964. It has a gabled roof instead of a Mansard roof, but otherwise is an appropriate example of the kind of level of ornamentation, and the door in front of the beam and pulley is what would have been used for getting hay into the loft. This structure has a simple, gabled roof with its no doubt original tiny cupola with four faced slat vent for ventilation of the hay and horse manure smells. *(Mark Pope)*

The property owner needs to realize that the landmark status of his house and property are partially based on this carriage house. Eliminating this building reduces his landmark and destroys its heritage in our city and will devalue the price of his property. *(Marvis J. Phillips)*

The following comment was received on June 14, 2007, from the mother of Kevin Crews (who was out of the country), via a telephone call to Planning Department staff.

- Mr. Crews, who owns a multi-unit building on Page Street, opposes the proposed project.

Response 21

Comments expressing opposition to approval of the proposed project, but not addressing the adequacy or accuracy of the DEIR, require no response in this document, but will be considered by the Historic Preservation Commission (and the Planning Commission, if applicable) in its deliberations on the merits of the project.

Comment 22

In order to not destroy the distinctive and intact simple straight mansard roof and its construction techniques by the prolific and famous owner/builder, I feel no dormer windows should be added to the second floor, and all existing openings should remain the same size. Additional light or air circulation should be accomplished through the use of operable skylights on the relatively flat portion of the roof, just as it appears at least one skylight has already been added.

The intact window on the north end of the west wall should be kept and restored as is as it is important as to testifying to the original function of this part of the building.

If adequate evidence in either photographic and or current physical, structural form exists as to the dimension of the original vent "small cupola," that no doubt existed, then I feel this compromise element could be added with glass instead of wood slats on all four sides, provided it is not taller or fancier than those examples like the 198 Haight St. carriage house/stable. *(Mark Pope)*

Response 22

The commenter's recommendations for alterations to the project as proposed will be considered by the Historic Preservation Commission (and the Planning Commission, if applicable) in its deliberations on the merits of the project, but do not address the adequacy or accuracy of the DEIR, and no further response is required.

Support for Project Approval

Comment 23

I own the building immediately to the north of 280 Divisadero. I am familiar with the Carriage House in question. I believe there is no hope of saving this wonderful building without the radical structural improvements proposed by the owners. This is to convey my strong support for the proposal as presented by the owner. *(James Hitchcock)*

I own the property next door to 280 Divisadero Street and I want to voice my approval for the plans that the Zillmans have made for the carriage house on the back of their property. I think the project will be an asset to the neighborhood. *(Florence L. Hitchcock)*

Please allow the project applicant, Mr. Zillman to redecorate the little dis-used horse -barn in his private backyard as a fantasy Victorian cottage. A future owner can tone down the small detail if it seems a little too extreme - it is still in good taste & will not be seen by anyone but the Zillmans and their invited guests. Most of the view from the vast windows of the kitchen on the back wall of the main house at 280 Divisadero is dominated by this little horse barn, and it would be so desirable to change the same envelope into a pretty little cottage. *(John Barbey)*

As a longtime nearby resident of the carriage house for over 30 years, I support this renovation and urge you to vote for it for several reasons:

- 1- The carriage house is in disrepair. In its present condition, it is useless.
- 2- The project plans to not only renovate the building but do so in a way that preserves the integrity of a Victorian building. Currently the house has little or no integrity at all.
- 3- The project will provide additional living space, which is much needed in this city.
- 4- The proposed renovation will result in a very attractive building, much better than it currently is.
- 5- Keeping the carriage house as it is does nothing for the improvement of the neighborhood. Turning it into an attractive Victorian style building would be much more in keeping with the main house in front of it.
- 6- Yes, I know that the carriage house is part of a city landmark and that the renovation is considered "demolition." None the less, I would rather see a landmark turned into an attractive and useful building than let it sit unoccupied and in disrepair.

I hope your office will reconsider the owner's plans and allow him to proceed with them. *(Allen Klein)*

Response 23

Comments expressing support for approval of the proposed project, but not addressing the adequacy or accuracy of the DEIR, require no response in this document, but will be considered by the Historic Preservation Commission (and the Planning Commission, if applicable) in its deliberations on the merits of the project.

Procedural Comments

Comment 24

Due to the fact that despite being on several SF preservation email lists, there has been no mention of this project until last week if at all, so I just found out about this project very recently and only received a copy of this draft EIR report on June 15, 2007, I have attempted to address some concerns I have and to do some instant research on Victorian SF carriage house/stables. Please excuse any redundancies in this report that resulted due to limited time constraints. *(Mark Pope)*

I wanted to let you know that I sent out the following e-mail to a large number of residents of the neighborhood and to a number of preservationists. A number of people have expressed interest and concern about this project and the "effective demolition" of this historic structure. I only just got notice of this (last week on 6/6/07) and therefore am not prepared to give any more specific remarks at this point except my concern about the loss of historic structures like this in San Francisco. I hope that those who have more expertise in the field of historic preservation are able to make meaningful and appropriate comments regarding why specifically a building such as this should be preserved.

"Historic Building/Structure threatened

"While walking along Divisadero last night (6/6/07), I found a notice of the following:

280 Divisadero (Between Haight and Page)

Block 1238 Lot 23

Draft EIR

Date: 5/5/07

Last day to file comments: 6/18/07

San Francisco City Landmark No. 190

Hearing: 6/14/07

Planner: Victoria Wise 575-9049

Web-site: <http://www.noehill.com/sf/landmarks/sf190.asp>

Draft EIR document (117 pages):

www.sfgov.org/site/uploadedfiles/planning/2001_1056280divisdeir.pdf

"This project involves, according to the PDF file, a change of use to convert the carriage house in the back of the property into a residential dwelling. It states that Planning finds the changes are effectively a "demolition" of this historic building. That might explain the draft EIR's length. I would probably have gotten notice of this long ago, as each year I renew my BBN request to get notices of permits in the neighborhood. Unfortunately, for reasons I am still looking into, Planning has increased the noticing fee by about a factor of 20 and it is no longer affordable to do so. Like with Harding Theater, none of the following neighborhood groups (which are dominated by property owners and realtors in this 80% renter district) have sent notice of this that I am aware of: Alamo Square Neighborhood Assoc. (ASNA), Haight-Divisadero Neighbors and Merchants Assoc. (HDNMA) or North of Panhandle Neighborhood Assoc. (NOPNA). If you look into this, please let me know the results of your investigation. -David Tornheim" *(David Tornheim)*

Response 24

A list of persons to whom the Draft EIR was provided (including the Planning Department's standard list of persons interested in historical resources) is included in Chapter VII, which also lists persons who received a Notice of Availability of the DEIR. The Notice of Availability was also mailed to approximately 145 residents and property owners in proximity to the project site. Additionally, public notices were posted in the project neighborhood, and notice of availability of the DEIR was published in the *San Francisco Chronicle* on May 5, 2007.

Comment 25

Will the comments and photographs that Mr. Pope submitted today [June 18, 2007] be included in the Responses to the Draft EIR? If not, what additional work is required to be assured that they will be included in the Final EIR? It is also possible for Mr. Pope to amend this submission before the deadline (of tomorrow) if he discovers any further information or to make any corrections to what he has already submitted? (*David Tornheim*)

Response 25

Mr. Pope's comments of June 18, 2007, along with photographs and other materials he submitted, are included in this document, under Historical Resources (beginning on p. C&R-4), and also in this section concerning non-CEQA issues. No subsequent comments were received from Mr. Pope.

Comment 26

When we formed [the] Liberty Hill [Historic District] back in the early 1980s, there was an exhaustive and lengthy review 86 notification process to all of the property owners who would be affected. The first question on almost everybody's lips when discussing the proposed Historic District was "**What will be the extent of our legal obligation to preserve if we accept this Historic designation ?**", and we were assured by all the City officials speaking to us that this would not extend beyond the public streetscape; in other words, only what could be seen from the public sidewalk - the interiors of our private houses would not be included, nor would the backyards nor the back walls, because they cannot be seen from the sidewalk.

Response 26

For information, concerning the fact that the carriage house is located in the "back yard" of the Hinkel House property, as stated on DEIR p. 25, the project site, including both structures and the entire lot, is designated a City Landmark, and the carriage house is explicitly noted in the Landmarks Preservation Advisory Board case report for the landmark designation. This specific reference to the carriage house in the case report most likely differentiates the 280 Divisadero Street project from, for example, a house within the Liberty Hill Historic District, in which the

Planning Code (Article 10, Appendix F) does not reference secondary structures such as carriage houses.

The comment does not address the adequacy of the EIR, and no response is required.

Other Comments

Comment 27

[T]he Secretary of Interiors counter-intuitive “Restoration Guidelines” are so anti-restoration that they forbid replication of old architectural detail without **documentary proof**. The last is almost **impossible** to obtain for even the exteriors of these ‘designated houses’, much less the interiors. In actuality, in the average San Francisco neighborhood you are **VERY** lucky to find period photos of even one or two houses on any street.

Even small railings, and gates have to be made “**generic, or post-modern**” ... if there is not a document to show what the Victorian original looked like. Thus our Historic District streets are now lined with industrial-looking guard-rails and security-gates, all these eyesores **stipulated and demanded** by the “**Landmarks Advisory Board**,” to the despair of the Victorian owners. New garage additions are even worse, and our streets are also lined with hideously ugly new Genie garage doors and uglier new garage blocks also demanded and required by the “**Landmarks Advisory Board**” so that “**there will be no false sense of historic development**”

Response 27

The comments do not address the adequacy of the DEIR, and no response is required. The commenter’s opinion concerning the Secretary of the Interior’s Standards for the Treatment of Historic Properties and concerning the Landmarks Preservation Advisory Board’s concern regarding avoiding a false sense of historical development are noted. As stated in DEIR Appendix B, Standard No. 3 of the Secretary’s Standards for Rehabilitation reads, “Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.”

D. Staff-Initiated Text Changes

Proposition J—Creation of Historic Preservation Commission

To acknowledge the passage of Proposition J on the November 2008 ballot, which created the Historic Preservation Commission, references in the Draft EIR to the “Landmarks Preservation Advisory Board” or “Landmarks Board,” and selected references to the “Planning Commission,” are changed to refer to the “Historic Preservation Commission.” New language is double underlined, while deleted text is shown in ~~strikethrough~~.

On page v, the last sentence of the first partial paragraph is revised as follows:

~~The failure of the~~ Lack of action by a previous Landmarks Board ~~to act~~ does not constitute grounds for delaying or postponing a ~~Planning Commission~~ subsequent hearing on a complete Certificate of Appropriateness application; with the passage in November 2008 of Proposition J, this hearing on the Certificate of Appropriateness will be held by the Historic Preservation Commission, following Planning Commission certification of the EIR.

On page 5, the first sentence of the first paragraph is revised as follows:

~~The Planning Commission (or Board of Supervisors on appeal)~~ Historic Preservation Commission (or Board of Appeals on appeal) will decide whether to approve, approve with conditions, or disapprove the proposed ~~project~~ Certificate of Appropriateness. Because the project would involve demolition of the carriage house, under the standards of Article 10, consideration of the Certificate of Appropriateness would involve whether both the “demolition” and the “new construction” of the replacement carriage house would “preserve, enhance or restore, and ... not damage or destroy, the exterior architectural features of the landmark” and “shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting” (Planning Code Sec. 1006.7(b)). Consideration of the Certificate of Appropriateness would not occur until after Planning Commission (or Board of Supervisors on appeal) review and certification of the EIR.

On page 21, the last two sentences of the first paragraph under the heading “Project Approvals” are revised as follows:

Given the change in how the proposed project is defined, the Historic Preservation Commission ~~Planning Commission, with advice of the Landmarks Preservation Advisory Board;~~ must approve a Certificate of Appropriateness for demolition of the carriage house, a portion of a City Landmark, and new construction on the landmark site. Consideration of the Certificate of Appropriateness by the Historic Preservation Commission ~~Landmarks Board and the Planning Commission~~ will follow completion of the CEQA review process.

On page 22, the last sentence of the fourth full paragraph is revised as follows:

The motion by the Historic Preservation Commission ~~Planning Commission~~ approving or disapproving the Certificate of Appropriateness ~~project~~ will contain the analysis determining whether the project is in conformance with the Priority Policies.

On page 23, the second sentence under the heading “General Plan” is revised as follows:

The Historic Preservation Commission ~~Planning Commission~~ would review the Certificate of Appropriateness ~~project~~ in the context of applicable objectives and policies of the General Plan.

On page 23, the third sentence in the third paragraph under the heading “General Plan” is revised as follows:

The Historic Preservation Commission ~~Planning Commission~~, in deciding whether to approve the Certificate of Appropriateness ~~project~~, must decide whether, on balance, the project is consistent with the General Plan.

On page 39, the last two sentences of the second paragraph under the heading “Certificate of Appropriateness” are revised as follows:

Given the change in how the proposed project is defined, the Historic Preservation Commission ~~Planning Commission~~ would hold a hearing on, and make a determination concerning, an application for a Certificate of Appropriateness. ~~Prior to that hearing, the application is referred to the Landmarks Preservation Advisory Board (LPAB), which may consider the application and make a recommendation thereon to the Planning Commission (Planning Code Sec. 1006).~~

Other DEIR Text Changes

The following changes to the text of the Draft EIR are made in response comments on the DEIR or are included to accommodate proposed revisions to the EIR text recommended by Planning staff. In each change, new language is double underlined, while deleted text is shown in ~~strikethrough~~, except where the text is indicated as entirely new, in which case no underlining is used for easier reading.

On page iii, in the Table of Contents, the following is added to the List of Figures:

11. Alternative D—New Construction Alternative Variant 53a

On page 12, the last sentence of the first paragraph is revised as follows to acknowledge the replacement of Figure 4 by a new figure:

Figure 4, p. 14, depicts a photographs of the building interior.

On page 14, the images in Figure 4 are replaced by a new image: the revised figure is provided on p. C&R-9.

On page 16, the parenthetical third sentence in the first full paragraph, indicated below in ~~strikethrough~~ text, is deleted to reconcile the text with the replacement of Figure 4 on page 14.

~~(Figure 4, p. 14, photo A, shows dry rot on the south wall, while photo B in Figure 4 shows light visible through the existing siding.)~~

On page 16, the following text is added to the last paragraph (continuing to p. 17) to clarify that the new tower element of the proposed project would potentially be visible from the sidewalk across the street from the project site:

The square footage (approximately 1,300 square feet) and roof height of the carriage house (currently about 22 feet) would be unchanged from its present condition, with the exception of the new cupola, or tower, which would rise about 9 feet above the existing roofline. (A new chimney would also be added.) Both the cupola and the chimney would be visible from the opposite sidewalk, over and above the existing fence and garage door, and somewhat obscured by an existing tree.

The following text is added to the EIR Project Description, at the end of the first full paragraph on DEIR p. 17, to clarify the area to be disturbed for construction of the proposed new foundation and new utility lines,:

Project construction activity, including trenching for utility lines to serve the carriage house, would avoid the area formerly occupied by what may have historically been a privy,^{14a} along the driveway at the property line, away from the stable, as seen in the 1899 Sanborn map (which is presented on p. C&R-11).

DEIR Footnote 14a: A privy is a historic domestic waste disposal site that can be of importance to research into historic lifeways; that is, materials recovered from a privy can provide information as to materials used and patterns of daily life during the period associated with the recovered materials.

On page 40, the following is added, prior to the heading "Recreation," to include a discussion of Greenhouse Gas Emissions:

Air Quality

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs), because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated in global climate change (also referred to as the "greenhouse effect" and "global warming"). According to the California Air Resources Board (CARB), some potential impacts in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. Carbon dioxide^{43a} is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalents" (CO₂-eq), based on each gas's heat absorption (or "global warming") potential. Carbon dioxide is largely a by-product of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Nitrous oxide is emitted in agricultural and industrial activities and during combustion of fossil fuel and solid waste.^{43b}

^{43a} The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

^{43b} Other GHGs, with much greater heat-absorption potential, are generated in certain industrial processes.

The California Energy Commission has estimated that transportation is the source of 38 percent of the state's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industry at 13 percent. In the Bay Area, according to the Bay Area Air Quality Management District (BAAQMD), fossil fuel consumption for transportation (cars, trucks, aircraft, and off-highway mobile sources) is likewise the single largest source of GHG emissions, accounting for just over half of the 85 million tons of GHG emissions in 2002. Industrial and commercial sources contribute about one-fourth of GHG emissions, while domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent, power plants about 7 percent and oil refining at about 6 percent of the total Bay Area GHG emissions.

In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires CARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions). In December 2008, CARB approved a Scoping Plan to meet the 2020 GHG reduction limits in AB 32. To meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from 2008 levels. The Scoping Plan projects a reduction of 174 million metric tons (about 191 million U.S. tons) of CO₂-eq, with about one-third of the reduction from transportation sources, 30 percent from electricity generation, and the rest from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs and from local and regional government actions.

The City and County of San Francisco has also implemented a number of actions expected to reduce GHG emissions, including the City's "Transit First Policy" (1973), the Sustainability Plan (1997), the Electricity Resource Plan (2002), the Greenhouse Gas Emissions Reduction Resolution (2002) and the 2004 Climate Action Plan, the Municipal Transportation Agency's Zero Emissions 2020 Plan, a requirement that new municipal construction and major renovation projects achieve LEED® Silver Certification (2004), the Zero Waste policy, the Construction and Demolition Debris Recovery Ordinance (2006), the Go Solar SF program (2008), the Green Building Ordinance (2008), and the Greenhouse Gas Reduction Ordinance, passed in May 2008. This ordinance establishes the GHG emission reduction limits for San Francisco and the target dates to achieve them, including a 25 percent reduction below 1990 levels by 2017, a 40 percent reduction below 1990 levels by 2025, and a 80 percent reduction below 1990 levels by 2050. The City has also passed ordinances to reduce waste from retail and commercial operations. Finally, the Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development.

There are no adopted significance criteria for evaluating a project's contribution to climate change. Pending such adoption, the Governor's Office of Planning and Research (OPR) has released a Technical Advisory for addressing climate change through CEQA review. The Technical Advisory recommends the following approach for analyzing GHG emissions: Identify and quantify the project's GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to a less-than-significant level.

As a single new residential unit, the proposed project's GHG emissions would be negligible, and would not make a meaningful contribution to GHG emissions in the region or the state. The annual GHG emissions of approximately 15 tons CO₂-eq would represent less than one one-hundred-thousandth of one percent (less than 0.00001%) of the 2020 GHG emissions limit for California, as adopted by CARB in December 2007, of approximately 427 million metric tons (470 million U.S.

tons) of CO₂-eq, and would also represent less than one one-hundred-thousandth of one percent (less than 0.00001%) of the 174 million metric tons of CO₂-eq that CARB's December 2008 Scoping Plan projects in GHG emission reductions by 2020.

Given that: (1) the project would not contribute significantly to global climate change such that would impede the State's ability to meet its GHG reduction targets under AB 32, or impede San Francisco's ability to meet its GHG reduction targets under the Greenhouse Gas Reduction Ordinance; (2) San Francisco has implemented programs to reduce GHG emissions specific to new construction; and (3) current and probable future state and local GHG reduction measures will likely reduce a project's contribution to climate change, the project would not contribute significantly, either individually or cumulatively, to global climate change.

On page 52, the following text and figure are added following the first paragraph, to add an additional potential design for new construction, a New Construction Alternative Variant:

During preparation of the Comments and Responses document, Planning Department staff created a sketch of one possibility for contemporary new residential construction design (see Figure 11). The new building would occupy the same footprint and would be approximately of the same massing as the carriage house. Like the proposed project, it would be a two-story structure with the existing carport converted to a garage.

Under the design illustrated, the entrance to the open-plan structure would be among a series of sliding frosted glass panels along the western façade. Glazed and metal panels would cover the structure and roof, the center gable mimicking the pitch of the carriage house hay loft, extending the shed geometry across the structure including the roll-up frosted glass garage door and deck area above. The central cross-bracing of the original carriage house doors would be etched on the glass panels at their original location. Solid panel areas would define the original hay loft opening. Recessed shadow areas would emphasize the locations of the former building's openings.

On page 52, beginning with the second paragraph and continuing to page 54, the following revisions are made to incorporate the New Construction Alternative Variant into the remainder of the discussion of Alternative D:

As described in the Introduction to this Draft EIR, the proposed project was presented to the Landmarks Board Architectural Review Committee on December 19, 2001, and subsequently presented at the Landmarks Board hearing on September 18, 2002.^[DEIR footnote 46] Members of the Architectural Review Committee recommended that the proposed project be simplified; however, their directions were not specific as to the amount of simplification that would be appropriate. The above-described alternative or variant would result in a structure that is substantially less ornate than the proposed project and therefore, generally would be in keeping with the recommendations of the Architectural Review Committee. While this alternative happens to be consistent with the general recommendations of the Architectural Review Committee, it is important to acknowledge that the design of this alternative was created independently of the Architectural Review Committee deliberation and was not the result of the Committee recommendation.

Impacts

As with the proposed project, the New Construction Alternative or variant would result in a significant impact due to demolition (under the standards set forth in Article 10) of the carriage house. However, unlike the proposed project, the New Construction Alternative or variant would not alter the relationship of the primary structure (the main house) to the secondary structure (the

carriage house) that characterizes the City Landmark No. 190. Moreover, the New Construction Alternative or variant would avoid the potential for creating a false sense of historic development by omitting the elaborate detailing proposed as part of the project. Compared with the proposed project, the New Construction Alternative or variant would have a simplified design that would be consistent with the historic relationship of structures on the site by maintaining the visual appearance of a secondary structure rather than creating a second edifice that competes with the main Hinkel House. The design of the New Construction Alternative or variant would result in a structure that is subordinate to the Main Hinkel House and therefore, maintains its utilitarian relationship to it. As such, the New Construction Alternative or variant would not adversely impact the historic character of the overall City Landmark No. 190 and its environment.

Other impacts of this alternative would be identical to those of the proposed project, as discussed in the Initial Study (see Appendix A and Section III.C); none of these impacts would be significant.

The New Construction Alternative or variant would be environmentally superior, compared to the proposed project, because while it would result in the same significant and unavoidable impact as the project due to demolition (as defined in Article 10) of the carriage house, it would not result in new construction that Planning staff has found to be inconsistent with the Secretary's Standards, and the associated impacts on the overall City Landmark No. 190. This alternative would meet the project sponsor's objectives of allowing the carriage house to be used as a second residential unit, providing adequate light for the dwelling unit, and stabilizing and structurally enhancing the building. However, it would not, in the sponsor's opinion, achieve his stated objectives of 1) creating an attractive structure that would maximize the enjoyment of, and willingness to pay rent by, future occupants; and 2) creating a design consistent with the Second Empire-style architectural features of the main house, including the addition of architectural features and decorative elements such as doors and windows surmounted by pediments and flanked by columns, a cupola, and decorative wood trip iron work. The sponsor believes this alternative retains too much of a barn-like appearance. The project sponsor has indicated that a contemporary structure would not meet his objectives. According to the sponsor, "To work appropriately in San Francisco Victorian architecture, you need to be swept in the pure exuberance of it."

On page 53a, Figure 11 is added to illustrate the New Construction Alternative Variant (see p. C&R-30).

Attachment 1: Comment Letters



ALAMEDA
COLUSA
CONTRA COSTA
LAKE
MARIIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

Northwest Information Center
Sonoma State University
1303 Maurice Avenue
Rohnert Park, California 94928-3609
Tel: 707.664.0880 • Fax: 707.664.0890
E-mail: leigh.jordan@sonoma.edu

RECEIVED

7 May 2007

MAY 09 2007

File No.: 06-1724

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.F.A.

Paul E. Maltzer
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 280 Divisadero Street Carriage House Draft EIR

Dear Mr. Maltzer,

Thank you for the opportunity to comment on the above referenced document. The City has taken obvious steps to meet its obligations under CEQA regarding the architectural significance of the building and structure located on this property.

The statement found on A.21 (3) Archaeological Resources contains two errors. First, it is excavation of soils, not just removal of them, that would disturb any subsurface cultural resources, and this project involves significant excavation, up to 4 feet for a new foundation and for a utility trench. Second, this section does not adequately address current standards to identify the potential for or presence of archaeological deposits. There is a high potential for this property to contain historic-period archaeological deposits. The back boundary line of a property is often the area where back-filled wells and/or privies associated with late Nineteenth and early Twentieth Century urban living are located. The area of the carport and carriage house, depending upon its date of construction, is the most obvious place to find these types of deposits. In addition, given the lack of background history provided for this property in the document, there remains the potential that there are deposits associated with buildings present previous to the existing residence and carriage house.

Therefore, so that the City will meet its obligation under CEQA regarding archaeological resources, it is recommended that an archaeologist familiar with the history of San Francisco conduct prefield research, a field examination, and provide any further relevant recommendations.

Sincerely,
Leigh Jordan
Leigh Jordan
Coordinator



June 14, 2007

Mr. Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1650 Van Ness Avenue, Suite 400
San Francisco, CA 94103-2414

Dear Mr. Maltzer,

On June 6, 2007, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for 280 Divisadero Street. After discussion the Board arrived at the comments listed below:

- The Board was concerned that the drawings on pages 49 and 53 of the Draft EIR were not clear. The Board recommended making it clear that these are only examples of the kind of alternatives that could be done.
- The Board concurs with staff findings that the proposed project is not consistent with the Secretary of the Interior's Standards for Rehabilitation and would pose a significant change to the landmark property.

The Landmarks Advisory Board appreciates the opportunity to participate in the review of this environmental document.

Sincerely,
Robert Cherry
Robert Cherry, Vice President
Landmarks Preservation Advisory Board

JOHN BARBEY
50 LIBERTY STREET
SAN FRANCISCO, CALIFORNIA 94110

June 14, 2007

To: San Francisco City & County Planning Commission
1650 Mission Street, Suite 400
San Francisco, California 94103-2414

Re: item # 12. 2001.1056E 280 Divisadero Street - in support of project applicant

Honorable Commissioners:

I would first like to convey my first-hand witness that this carriage-house was used (albeit unofficially) for residential purposes at least 30 years ago. Whole rock bands, roadies, friends, and other support staff used both floors as a guesthouse, and I did too, when I lost my keys & when I was moving into my own new Victorian in the Mission (so I was one of these 'offenders.' I knew Jack & Susan Leahy, the owners from 1973 to 1981 [mentioned in Note # 20 on pg. 25 of the Draft Environmental Report to this case] very well. They were the first to truly restore 280 Divisadero which was in terrible shape when they got it. Jack was a Stanford graduate, an electronic genius and ran an important Recording Studio. They needed a large house. Many of the groups and people they worked with came from England and desperately needed somewhere to stay, etc etc.

I know this house very well, having often visited Jack & Susan there. They were a few years older than me and I was in absolute awe of them, and of what they had done with this vast house. It was in fact the very house that inspired me to leave Europe where I had lived for 10 years, and to take on a Victorian here. I have since restored 2 Victorians here in the Liberty Hill Historic District, and am one of the smaller group of about 10 who established the Liberty Hill Historic District back in 1985.

It is in the last mentioned capacity that I am most concerned about this case. When we formed Liberty Hill back in the early 1980s, there was an exhaustive and lengthy review & notification process to all of the property owners who would be affected here. We were, and are (as most of us still reside here in 'Liberty Hill') not stupid or unarticulate people. The first question on almost everybody's lips when discussing the proposed Historic District was **"What will be the extent of our legal obligation to preserve if we accept this Historic designation?"** and we were assured by all the City officials speaking to us that this would not extend beyond the public streetscape; in other words, only what could be seen from the public sidewalk - the **interiors** of our private houses would not be included, **nor** would the **backyards** nor the **back walls**, because they cannot be seen from the sidewalk.

I must ask very importantly, **has anything about this last changed 22 years later**, because we will all be very shocked to hear it?

My own reasons for wanting to know the extent of the preservation order had been two-fold. Not only did I wish to make minor no-historic changes to the back walls of my houses (for I still owned both at the time), but also I wished at that time to make the interiors of both

Page 2.

houses to look as **Victorian** as possible, and the Secretary of Interiors counter-intuitive "Restoration Guidelines" are so anti-**restoration** that they forbid replication of old architectural detail without **documentary proof**. The last is almost **impossible** to obtain for even the exteriors of these 'designated' houses, much less the interiors. In actuality, in the average San Francisco neighborhood you are VERY lucky to find period photos of even one or two houses on any street. People simply did not photograph their houses or their streets, they rather, photographed each other.

We were also told that once we were designated as a Historic District, that no more individual Landmarking would be allowed "since it is the same thing." We were to consider all our structures as rows of private Landmarks.

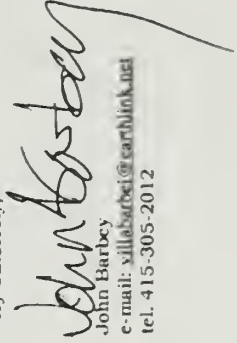
On the streetscape there have been many sad, and to repeat, very counter-intuitive results of this sad policy about "documentary proof" Even small railings, and gates have to be made **"generic, or post-modern"** (as if Post-Modern was not an architectural style) if there is not a document to show what the Victorian original looked like. Thus our Historic District streets are now lined with industrial-looking guard-rails and security-gates, all these eyesores **stipulated and demanded** by the **"Landmarks Advisory Board,"** to the despair of the Victorian owners. New garage additions are even worse, and our streets are also lined with hideously ugly new Genie garage doors and uglier new garage blocks also **demanding and required** by the "Landmarks Advisory Board" so that **"there will be no false sense of historic development"** (never mind that today, restoration of old houses is a major national "historic development").

Well, is it now your new policy to wreck the private interiors of our old Victorians and our private back yards??

In closing, I would like to remind that in Victorian times backyards were almost not used in the modern sense, for gardens because they were desperately needed in this age before washing machines, to dry linens. And, remember also that on account of the fashions of that bygone time they used even more linen than we do today.

Please allow the project applicant, Mr. Zillman to redecorate the little dis-used horse-barn in his private backyard as a fantasy Victorian cottage. A future owner can tone down the small detail if it seems a little too extreme - it is still in good taste & will not be seen by anyone but the Zillmans and their invited guests. Most of the view from the vast windows of the kitchen on the back wall of the main house at 280 Divisadero is dominated by this little horse barn, and it would be so desirable to change the same envelope into a pretty little cottage.

Very Sincerely,


John Barbey
e-mail: yllabarbey@earthlink.net
tel. 415-305-2012

Kevin Crews
979 Capitol Avenue
San Francisco, CA 94112
415-586-4331

Mr. Crews mother called because Mr. Crews was overseas. He owns a multi-unit building on Page Street that would be affected by the proposed project. Mr. Crews just recent found out about the project and since he does not know that much about it, he is not supportive of it.

RECEIVED

MAY 22 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

May 6, 2007

Dear Mr. Martyn,

I own the property next door to 280 Divisadero Street and I want to voice my approval for the plans that the Gilmans have made for the carriage house on the back of their property.

I think the project will be an asset to the neighborhood.

Thank you for your time and attention.

Flavence L. Hitchcock

Paul Maltzer, Environmental Review Officer
SF Planning Dept
1650 Mission St Suite 400

May 6 '07

This is to respond public notice about the **RECEIVED**

Carriage House Project Case No 2001.1056E MAY 09 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
S.F.E.A.

I own the building immediately to the North of 280 Divisadero. I am familiar with the Carriage house in question. I believe there is no hope of saving this wonderful building with out the radical structural improvements proposed by the owners.

This is to convey my strong support for the proposal as presented by the owner

James Markward

RECEIVED

MAY 18 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
S.F.E.A.

May 16, 2007

Paul Maltzer
Environmental Review Officer
SF Planning Dept
1650 Mission Street, Ste 400
San Francisco, CA 94103

Dear Mr. Maltzer,

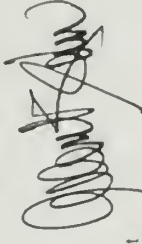
I'm writing to you about the planning department case number 2001 1056E the 280 Divisadero Street Carriage House Project.

As a longtime nearby resident of the carriage house for over 30 years, I support this renovation and urge you to vote for it for several reasons:

- 1- The carriage house is in disrepair. In its present condition, it is useless.
- 2- The project plans to not only renovate the building but so in a way that preserves the integrity of a Victorian building. Currently the house has little or no integrity at all.
- 3- The project will provide additional living space, which is much needed in this city.
- 4- The proposed renovation will result in a very attractive building, much better than it currently is.
- 5- Keeping the carriage house as it is does nothing for the improvement of the neighborhood. Turning it into an attractive Victorian style building would be much more in keeping with the main house in front of it.
- 6- Yes, I know that the carriage house is part of a city landmark and that the renovation is considered "demolition." None the less, I would rather see a landmark turned into an attractive and useful building than let it sit unoccupied and in disrepair.

I hope your office will reconsider the owner's plans and allow him to proceed with them

Sincerely,



Allen Klein
1034 Page Street
San Francisco, CA 94117

PAUL MATTHEW
BURBANK/REVIEW OFFICE
DEPT OF PLANNING
1650 MIDWAY SUITE 400
SF CA 94103

PAUL

IN STUDYING CASE #1 2001.1056
230 MURDER STREET GARAGE
HAVE I FIRST LOOKED AT THE
DAMAGE TO THE GARAGE HERE
FIND THAT THE CAR HAS
GUTTED THE GARAGE HERE & KICKED
IT TO FALL TO EVIDENCE DISREPAIR
IN ORDER TO MAKE DEMONSTRATION &
REPLACEMENT SEEM LIKE A
GOOD ALTERNATIVE - SHAME

BY REMOVING MAJOR SUPPORT
WOULDS + INTERIOR 2x4 STRUCTURE
THE BUILDING IS IN A GRAVE DANGER
OF COLLAPSE WHICH I WOULD
ASSUME TO CAUSE WORK LIKE TO
HAPPEN.

SAN FRANCISCO HAS ONLY A
HANDFUL OF GARAGE HOUSES
LEFT STANDING AND AS A
UNUSUAL TYPE OF CONCEPT
HOUSE I ENCOURAGED YOU TO
FOLLOW ALTERNATIVE B
THE PRESERVATION ALTERNATIVE
+ NOT ALLOW ANY HOUSES
DOWNGRADE TO HAPPEN
ON THE SITE OF THIS
GARAGE HOUSE

THE PROPERTY OWNER NEEDS TO
REALIZE THAT THE LANDMARK
STATUS of his house & PROPERTY
CAME FROM HIS PROPERTY. BASED ON THIS
CARRIAGE HOUSE - GRANTING THIS
BUILDING REMAINS HIS LANDMARK
AND DESTROYING ITS HISTORIC
IMPORTANCE & WILL DEVALUE THE
PRICE OF HIS PROPERTY.

Sincerely,
Mark J. Phillips

Land Use Chair

ALLIANCE FOR A BETTER DATE

NORTH OF MARKET PLAZA

COMMITTEE

210 HDS

9 MAY 07

June 18, 2007 by email and fax
From: Mark Pope

807 Franklin St.
San Francisco, CA 94102

Re: Address 280 Divisadero St. Carriage House /stable
Block 1238, Lot 23

Case No. 2001.1056E
EIR

Public Comments on Draft EIR for proposal for "carriage house" demolition
at San Francisco historic City Landmark #190 280 Divisadero (formerly 218
Divisadero or Devilsadero)

Written and researched by from Mark Pope, BS Architecture; former structural
engineer for Skidmore, Owings, and Merrill; SF resident and SF Victorian
architecture, furniture and decorative arts scholar since 1989. I was physically in
this stable twice, once around 1993 and once soon after current owner sponsor
Richard Zillman bought property, before I knew much about SF stables/"carriage
houses"

I agree with most of the comments made by the SF Planning Department's
regular preservation staff. Due to the fact that despite being on several SF
preservation email lists, there has been no mention of this project until last week
if at all, so I just found out about this project very recently and only received a
copy of this draft EIR report on June 15, 2007. I have attempted to address some
concerns I have and to do some instant research on Victorian SF carriage
house/stables. Please excuse any redundancies in this report that resulted due
to limited time constraints. I am limited by the poor quality and quantity of photos
included in the EIR as to the current state of the structure.

I agree that this qualifies as a demolition by the "Secretary's Standards".

Comments on Appendix C, "Historic Architectural Review" dated December 7,
2005 and prepared by Mark Hulbert of Preservation Architecture.

Appendix C is improperly labeled "Historic Architectural Review". The letter dated
Dec. 7, 2005 is labeled "Historic Architectural Evaluation of Proposed Project" It
then contradicts this title by saying "This evaluation does not address the
removal of the existing structure". Therefore it is deceptive in its labeling and title,
and inadequate in that it does not address the removal of "historic elements" still
there nor does it describe what is currently there.

This section is biased, inaccurate, and incomplete, and was purchased from an
architect who professes to be an "architectural conservator", but this report and
other articles found on the Internet by Googling "Mark Hulbert" Oakland

demonstrate that some people in the preservation community including me consider him to be biased in favor of developers or agencies who want to destroy, not conserve historic architecture.

From information on the Internet it seems Mr. Hulbert does have previous experience in helping developers create new, expensively priced, fanciful versions of what he thinks an all new "carriage house" should look like when used to create additional residential units.

Appendix C inaccurately refers to the existing stable as a "carriage house" and existing residential unit. The steps a previous owner agreed to take in order to make it a legal unit were never done, as mentioned elsewhere in this EIR, and this was not built as housing for people. It was labeled a stable, according to the Sanborn insurance maps on file at the SFPL History Room, relevant copies of the map showing this property and the relevant Key/Legend were printed were faxed separately to the SF Planning Department. to be incorporated as part of this public Comment to the draft EIR. They clearly indicate that the 2 story structure as 2 story stable.

A one-story structure was located south of this 2 story structure, roughly where the carport is now. It may have housed the carriage, or the 2 story structure may have housed the carriage and the horses. At this point, it seems to me that Sanborn seems to always label the buildings stables if any portion housed the horses, indicating them by 2 diagonal lines drawn from each pair of opposite corners, to make a big "x". I have been unable to locate and example where Sanborn labeled a carriage house that did not contain horses as "carriage house", even when it separate from the stables, and even for one known extant example of a carriage house separate from the stable.

I have some knowledge of SF stables and "carriage houses". The carriage was stored in a structure separate from the horses to keep the dust stirred up from the hay bedding by the horses in their stalls from settling in the carriage, which had nothing to keep the dust off. Hay was no doubt stored in the upper part of the 2 story structure and was probably hoisted up there through the original window in the dormer in the mansard roof.

The project sponsor has verbally claimed that the horses were kept in a large, temporarily empty corner lot across the street. That is illogical, uncustomary, and the proof of it does not exist. The Sanborn insurance maps of the late 1800s prove this false, as the only empty lot does not have any provision for sheltering horses from the weather, and I suspect SF Water Department records will nor list any horse troughs there. Horses, hay, and carriage were all kept very close to each other for obvious efficiency reasons, and they huge vacant corner lot would have eventually sold for about \$8,000-\$12,000. at the time, that would have bought a lot of hay!!!

The photos of the interior and exterior of the stable are inadequate, and the interior ones are printed or taken too dark for me to comment on how much historic structure appears intact and were selected to try to show reasons to "demolish" the structure, not the original elements that are worth saving. I consider them inadequate in quality and number, subject matter and point of view.

According to Courtney Clarkson, , a member of the Victorian Alliance, SF realtor, and past and/or current vice-president of the Pacific Heights Residents Association, the project sponsor told her about 2 years ago that this new "carriage house" design on a photograph of a now demolished ornate SF Victorian "carriage house" on the huge block long Thomas Bell estate that was located at 1661 Octavia. Between Sulter St. and Bush St See SFPL Photo Bell Mansion and carriage house/stable Photo ID# AAC-5930 <http://webble1.sfpd.org/multimedia/sfphotos/AAC-5930.jpg>

The carriage house/stable shown in this photo of the Bell mansion & estate is fairly simple for such a huge and ornate Italianate mansion and grounds and shows 3 distinct areas probably horse stalls on the left, carriage in the middle, and tack room and or stable hand room on the right. The Sanborn map of this estate shows two big diagonal lines through all three component structures, leaving us to question exactly which parts were used for what purpose, so one is left to interpreting that from the photo by the size and location of the windows, doors, and paved ground widths.

A more appropriate example of an unaltered carriage house/stable appropriate to the scale and modest grandeur of Hinkel house is the extant McMorry-Lagan House and "carriage house"/stable at 198 Haight St. corner of Laguna St. (see 4 emailed PICS), SF Landmark #164 the exterior of which has not been altered in my opinion and certainly not since it was photographed in 1964. It has a gabled roof instead of a Mansard roof, but otherwise is an appropriate example of the kind of level of ornamentation, and the door in front of the bean and pulley is what would have been used for getting hay into the loft. This structure has a simple, gabled roof with its no doubt original tiny cupola with four faced slat vent for ventilation of the hay and horse manure smells.

The existing carriage house/stable is now visible from Divisadero St. and the proposed larger structure will be even more so. The only time it may not be visible is when the apparently illegally constructed tall fence with overhead garage door is closed. DBI website research shows no valid permits ever taken out and completed for 280 Divisadero. This fence and garage door may be required to be removed in the future do to no permit, and therefore this EIR should consider the project as if the fence and door did not exist as far as visibility from the street is concerned. It is my opinion that this very tall front fence and modern garage door are detrimental to the historic main house and should

be removed by the project sponsor or proper building permit should be applied for with an EIR required.

Hulbert first confuses the new use of the proposal as a 2nd unit as proof that a false sense of historical development is not created, when the standards from the Interior Department refer to features or elements of decorations, not function. He then admits the design could be confused as being authentic Victorian Period building. He then says the design is compatible. It is not because the PICS included in my comments clearly show how utilitarian a structure of this type would look for a house and grounds of this size and cost (see PIC of 198 Haight Street) versus one of much larger grounds and house and cost (see photo Bell mansion and grounds at 1661 Octavia)

5.) There are at least 3 distinctive features of this carriage house/stable discernable without ever setting foot in it. One is the Mansard roof, the integrity of which would be disturbed and blurred by the extensive alterations the sponsor and Hulbert propose. The other is the fact that this is a freestanding one and was never located on a corner lot. It is highly unusual for a Victorian to have its own stable and not be located on a corner lot for access. It necessitated that the house builder/owner buy at least a double lot at twice the cost in order for there to be room beside the house to maneuver the horse-drawn carriage to the rear of the house (in this case 17 feet, a huge amount considering expensive SF land costs. I know of no other extant SF carriage house/stables that have a Mansard roof or are on properties that were not corner properties when built.

It is my understanding that this carriage house/stable does not have a "foundation" per se. If so, that is a distinctive feature, as all of the extant carriage houses/stable that I know of have brick foundations. The fact that this had no foundations as we normally see on extant carriage house/stables should be preserved in some way, even if a new foundation is required for seismic or other reasons. The new foundation could avoid the areas where whatever rock or other material that originally and now holds it up is located.

Sponsor's statement re standard #6 that it is not applicable is puzzling and false. Is sponsor saying it is not applicable because he is going to destroy all historic features which may be true, or that there are no deteriorated historic features which is false.

Sponsor's statement re standard #8 that it is not applicable is false. The Sanborn insurance maps show that there was a one-story structure with a shingle roof (designated with a small "x") located where the carport is now and where the sponsor wants to build a new one story structure with a foundation. Excavation of the ground should be done with qualified Architectural Archeologists present to determine the location and outline of the original one story structure and it should be visibly indicated with permanent markers of some kind and labeled with a plaque for future reference, or the new structure should be built to the same

dimensions. The same should be done when disturbing the soil in any other areas which the Sanborn maps or other historic documents/photos show structure(s) (now gone) were located.

Sponsor's statement re standard #9 is incorrect. Many people just learning about Victorians, and even any non "experts" and some experts will be fooled by this design.

I checked with the SF DBI website and they don't show any record of any valid permits to do any work anywhere on 280 Divisadero. On 6/17/2007, I spoke at great length with Dr. Rodney Karr, who returned my urgent call from out of town, about the condition of the carriage house/stable when he lost the property in foreclosure just before it was bought by the sponsor, Richard Zillman. I had seen the interior when Dr. Karr owned it, and I believe Richard Zillman showed it to me again soon after purchasing it. I wanted to refresh my memory, as I did not remember it being in the condition shown in the interior photos in the EIR, and especially did not remember all the interior studs being exposed, removed, or the floor being torn up. Dr. Karr described the interior as having all the original beaded board tongue and groove on the interior walls of the first floor, as still having the wooden first floor intact, as still having built in cupboards intact, as still having a simple but interestingly crafted stair to the second floor hay loft, and as not having any rot (I suspect there was some hidden dry rot).

After the obsolescence of the horse drawn carriage, it was common for properties with their own stables to have additional dirt or gravel brought in to level them up for automobiles. This often raised the ground level above the level of the wood structure. The sponsor, Richard Zillman is a very wealthy man with vast SF real estate holdings and interests in fast food restaurants in other cities. He has owned this property for 13 years. He had an obligation to spend a little elbow grease to shovel any dirt away from the wood of the structure, or spent a couple hundred dollars to hire someone else to do it. In stead, he let further rotting occur, and now appears to have done extensive demolition to the interior of the carriage house/stable without a building permit, possibly weakening the structure to the point that it could collapse at any time (beaded board interior sheathing acts as a shear wall, and if the exterior siding is in as poor condition as the sponsor says, may have been crucial for the continued safety of the structure. I respectfully suggest the planning commission consider reporting this activity to the DBI for immediate investigation to prevent further damage to the historic fabric or injury to neighbors or other people in or around the structure.

<http://webbie1.sfpd.org/multimedia/sfphotos/AAC-5980.jpg> SFPL photo ID# AAC-5980

Havens House and carriage house/stable, 1381 South Van Ness, taken 1957 Sanborn Insurance maps prove many residential blocks in San Francisco's Western Addition had no stables in the entire block, even when much larger Victorian "estates" with real "mansions" were located on much larger, corner lots.

When the larger mansions had carriage houses/stables, they were often multiple structures of 2 or 3 or more parts tied together with common walls, often with a central, 2-story structure with the 2nd floor often used for hay storage with wooden doors with no glass that would open and a cantilevered beam with a pulley and rope used to hoist the hay bales. One of the 2 or 3 structures was often used for the horse stalls, one for the carriages, and one for a tack room(s), with really large ones having accommodations for at least one groomsmen and or coachman. The grandest of all was Ben Ali Haggin's Nob Hill stable that was grand enough that it housed dozens of carriages, dozens of horses, rooms for equipment and a huge staff, and he was frequently begged for tours of it. It was allegedly decorated and used for a fancy dinner party after the Caruso Opera on the eve of the 1906 quake.

The Sanborn Insurance map indicates that the 2 story carriage house/stable structure, had a non combustible roof of metal, slate, tile, or asbestos shingles (marked by a small "o") and that the original one-story structure next to it had a combustible roof of shingles. (marked with a small "x")

In order to not destroy the distinctive and intact simple straight mansard roof and its construction techniques by the prolific and famous owner/builder, I feel no dormer windows should be added to the second floor, and all existing openings should remain the same size. Additional light or air circulation should be accomplished through the use of operable skylights on the relatively flat portion of the roof, just as it appears at least one skylight has already been added

The intact window on the north end of the west wall should be kept and restored as is as it is important as to testifying to the original function of this part of the building.

If adequate evidence in either photographic and or current physical, structural form exists as to the dimension of the original vent "small cupola, that no doubt existed, then I feel this compromise element could be added with glass instead of wood slats on all four sides, provided it is not taller or fancier than those examples like the 198 Haight St. carriage house/stable.

End

COMMENTS ON DEIR

1. Page 1. The DEIR states that the carriage house was used for residential purposes at one time and abandoned ca. 1981. Because of this conversion to residential use, would the structure still be considered residential even though it has not been in use for over 20 years? If so, would the proposed demolition be the subject of a soundness report required by any subsequent permitting process?
2. Pages 3 and 38. The staff is correct in its assessment that the potential impacts include both the demolition of the carriage house and the proposed replacement building. However, the former depends on whether the carriage house remains a contributing resource. Based solely on the photographs, the acceptance of the carriage house as a contributing resource should be called into question. Is there really enough integrity left for the structure to continue to convey its historic significance? Haven't the alterations severely reduced all or some of the seven aspects of integrity? Page 38 evaluates integrity with respect to the demolition, but not whether there is integrity in the first place.
3. Pages 5 and 43. As a suggestion, it would be simpler to cite the HABS Photographic Standards with respect to the photographs.
4. Pages 7 and 48. Alternative C. Reconstruction. I not believe the description of what would be allowed in this alternative would meet the reconstruction standards. Although the standards are paraphrased on page 50, there is no analysis of each of the six standards with respect to the preservation technical specialist's evaluation. Troublesome are the following:
 - A. "One option, using a "restoration" approach that would restore what is believed to have been a symmetry..." See standards 1 and 4. You can't "believe," you have to "know."
 - B. "... infill one-time carriage doorway...with a glass wall. See standard 6.
 - C. "The existing 4/4 window...a matching window installed to the south." Evidence? Isn't this conjecture based only on a reasoned knowledge of architectural styles and building types, but not real evidence?
 - D. "Flush-mounted skylights..." Again, see standard 6.
 - E. "...the southern side of the second floor could be modified with a dormer..." Evidence for a dormer? See standards 1, 4 and 6.
 - F. Further, the options listed on page 48 and continuing to page 49 are not in compliance with the reconstruction standards. Has a paint analysis been conducted

to establish that a "multi-colored exterior paint scheme" is appropriate? What evidence is there for the use of "architecturally patterned shingles on the mansard roof" except for the reference to the main house? The use of this "evidence" is conjecture and not in compliance with the standards.

G. Reconstruction would not allow an attached garage.

H. There is not enough tangible evidence to justify the conclusion of "consistency with the *Secretary of the Interior's Standards for Reconstruction*." If this cannot be established, it calls into question whether this alternative has less-than-significant impacts.

5. Page 51. The reasoning here about whether this alternative has a less-than-significant impact is based on "simplifying the design" and "relaxing the feel of a secondary structure." These reasons may be true in comparison with the proposed project, but do not hold water unless the alternative actually meets the reconstruction standards.

6. Page 39. Cumulative Impacts. Why wasn't this carriage house compared with other carriage houses in the greater neighborhood? This is inconsistent with my experience. For a proposed project involving a carriage house at 87 Ford Street, the project sponsor was required to survey any existing carriage houses in a large area around the project site. There were no historic districts in this same area. The project was of limited scope with even less loss of historic fabric than the 280 Divisadero carriage house.

7. If the carriage house has lost its integrity, it is no longer a contributing resource. If that is true, there is no reason for the environmental review. If that is true, a new building should be reviewed on its own merits, compatible with the main house, but with a contemporary design. None of the illustrated designs, including Alternative D, currently meet this criterion (Secretary of the Interior's Standards for Rehabilitation 3 and 9).

8. Should extant historic fabric be salvaged, or used in any replacement structure?

Submitted by:

Hisashi B. Sugaya, AICP
900 Bush Street #419
San Francisco, CA 94109



"DavidTornheim"
<davidtornheim@hotmail.com>
>
cc: <viktoriya.wise@sfgov.org>
<Heterb@aol.com>
06/18/2007 07:12 PM

bcc

Subject: Re: 280 Divisadero Street Project draft EIR written
comments from Mark Pope

Will the comments and photographs that Mr. Pope submitted today be included in the Responses to the Draft EIR?
If not, what additional work is required to be assured that they will be included in the final EIR?

Is it also possible for Mr. Pope to amend this submission before the deadline (of tomorrow) if he discovers any further information or to make any corrections to what he has already submitted?

-David Tornheim

----- Original Message -----

From: Heterb@aol.com

To: paul.maltzer@sfgov.org

Cc: viktoriya.wise@sfgov.org ; Heterb@aol.com

Sent: Monday, June 18, 2007 3:38 PM

Subject: 280 Divisadero Street Project draft EIR written comments from Mark Pope

SF Planning Department Major Environmental Analysis

Attn: Paul Maltzer

paul.maltzer@sfgov.org

Attached is a Microsoft Word Document containing 280 Divisadero Street Project draft EIR written comments from Mark Pope. I also emailed a cover page and 2 additional pages from the Sanborn Insurance maps. One is a map of 280 Divisadero Street soon after house and carriage house/stable was built. The other is the Sanborn Insurance map key to symbols.

If you have any questions you can reach me at cell 415 310-6587

Mark Pope

See what's free at AOL.com.

Attachment 2: Public Hearing Transcript

San Francisco Planning Commission

Meeting

June 14, 2007

Commission Chambers

City Hall

1 Dr. Carlton B. Goodlett Place
Room 400, Fourth Floor
San Francisco, California

ITEM 12
~000~

CALIFORNIA REPORTING, LLC

I N D E X

AGENDA:

ITEM 12, 280 Divisadero Street.....3

CALIFORNIA REPORTING, LLC

<p>June 14, 2007</p>	<p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;"><u>San Francisco, California</u></p> <p>COMMISSIONER: Case Number 2001.1056E, for 280 Divisadero Street. This is a public hearing on the Draft Environmental Impact Report.</p> <p>MS. WISE: Good afternoon, President Alexander, and members of the Commission. I'm Victoria Wise, Planning Department Staff. This is a hearing to receive comments on the Draft Environmental Impact Report for Case Number 2001.1056E, the 280 Divisadero Street Carriage House Project.</p> <p>Staff is not here to answer comments today. Comments will be transcribed and responded to in writing in the Comments and Responses document, which will respond to all verbal and written comments received and make revisions to the Draft EIR as appropriate. This is not a hearing to consider approval or disapproval of the project. Comments today should be directed to the adequacy and accuracy of the information in the Draft EIR. Commentors should speak slowly and clearly so that the court reporter can produce an accurate transcript. Also, commentors should state their name and address so they can be properly identified and receive a copy of the comments and responses document when it is completed.</p> <p>After comments from the general public, we will also take any comments from the, from the Planning Commission.</p> <p style="text-align: right;">CALIFORNIA REPORTING, LLC</p> <p style="text-align: right;"><small>52 Longwood Drive, San Rafael, California 94901 / (415) 457-4417</small></p>
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<p>The public comment period for this project began May 5th and extended until 5:00 p.m. on June 18th. The Landmark Preservation Advisory Board held a hearing on the draft EIR on June 6th. More comments on the adequacy and accuracy of the document with regard to historic resources were distributed to you earlier today, and will be responded to in the Comments and Responses document.</p> <p>This concludes my presentation, unless you have questions.</p> <p>COMMISSIONER: Thank you. We will now open the public hearing on the Draft Environmental Impact Review for 280 Divisadero Street. Is there any public comment at this time?</p> <p>CLERK: I have two speaker cards.</p> <p>COMMISSIONER: Okay. I have two speaker cards.</p> <p>John, John Barbey?</p> <p>MR. BARBEY: Hello, I am he.</p> <p>COMMISSIONER: Can you state your name, sir?</p> <p>MR. BARBEY: Oh. My name is John Barbey, B. like baseball, A-R. B. like baseball, E-Y.</p> <p>COMMISSIONER: And if you would, give us your address so that they can respond to you?</p> <p>MR. BARBEY: Yes, 50 Liberty Street, San Francisco, California, 94110. And I need to write you a long letter, but I didn't find out about this, I</p> <p style="text-align: right;">CALIFORNIA REPORTING, LLC</p> <p style="text-align: right;"><small>52 Longwood Drive, San Rafael, California 94901 / (415) 457-4417</small></p>

found out -- until yesterday afternoon I was reading my email, the preservation hotline for yesterday mentioned that this item would be coming up and it kind of jumped off the page. Because this is the house that inspired me 30 years ago, I'm an old person now, I'm 61, but obviously I wasn't always old. And when I was a kid these -- I knew Jack and Susan Layhee (phonetic), as mentioned on page 25 in the notes, I think he may be the one who also designated the house as a landmark.

He had a big recording studio and naturally they needed to, they had -- they knew a lot of groups from England, and they needed to have company -- people from England can't afford to pay, or couldn't at that time, afford hotel for the long periods needed for recording. So this was used perhaps unofficially, but quietly as residential, and used for whole rock bands or their roadies or whoever. And it was marvelous to stay in this guesthouse because you felt you weren't intruding on your friends. It's completely separate, it had nothing more than a coffee maker, and you could go out, in and out through the side gate. I stayed there myself when I was moving into my apartment, when I lost my keys, so I'm one of the offenders. I figured it had been used many years in that purpose.

I also wanted to speak -- this is also I'm one of the people who founded the Liberty Hill Historic District south of Market. I restored two Victorians there. And I wanted to speak to the virtual demolition part. Both of my houses

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were virtually taken apart down to the studs and rebuilt. That's necessary to do a proper restoration, to remake the foundation, we dug 12 feet the one, under all the pipes, all the wiring, putting plywood on the walls to make it seismically safe, putting in I-beams as I'd done on Liberty Street. It's really huge. I hope you can appreciate the kind of effort. It usually takes about 20 years to do a Victorian. And this particular house, it's gargantuan. It's one of the legendary big huge Victorian houses. As you can see from the lot print, it has this big outsized lot.

So the horse barn in the back is not sort of out of context. Of course there's been no planting because -- and you don't want horses back, I can speak to that from experience, too. My brother raises them in Durango, Colorado. They're big, smelly, dirty beasts who eat mountains of hay and enough water to float a battleship and are totally incontinent. He requires a stable-keeper all the time to scoop up after them, and etcetera. This is something we've forgotten about, live animals as green alternative transportation source.

It's also this is this huge structure, but probably that has now melded into the neighborhood. We have a similar barn on my block.

[Buzzer.]

Oh.

COMMISSIONER: Thank you

MR. BARBRY: I'll get my letter please I'll get it in before Monday

CALIFORNIA REPORTING, LLC

at closing time.

COMMISSIONER: Thank you. Mark Pope.

MR. POPE: My name is Mark Pope, 807 Franklin Street, San Francisco, 94102. And I was in this carriage house, well, if it is a carriage house, I was in this building many years ago so I have to rely on my distant memory.

But first off, as far as the Draft EIR, I'm questioning whether this was just a carriage house or whether it was a carriage house/stable, and therefore the openings should reflect that. And I spoke briefly with Richard Zulman (phonetic) about that, and I'm still not convinced that horses were not also kept here, because if the hay was kept in the upper part you kind of want your hay near your horses. And for the horses to be kept across the street it doesn't make sense to have to go catch a horse every time you want to take a ride in your carriage. You're looking at a lot of work, and hauling the hay over there is a lot of work, too.

So I question whether this was just a carriage house, and I, too, just found out about this and am concerned that the present Victorian Alliance intentionally has not made the members aware of this project. He's a neighbor of Richard Zulman. So a lot of people don't know about this, and I just got a comp EIR today, and I just had to do a quick perusal.

I do agree that this is, that this is basically a demolition. And I think that the price that Richard paid when he bought this property reflected the fact

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that it was an historic landmark property, and therefore he got it cheaper because of that, \$490,000.

So, you know, part of the deal was it had this carriage house that needed repair and was under the jurisdiction of laws that apply to that historic property. So I don't think he should now be able to get the benefit of basically tearing it down and building a second property residence back there, when a second residence wouldn't be allowed if this structure wasn't there. So he would be getting two benefits there.

Thank you very much.

COMMISSIONER: Thank you. Is there anyone else desiring to make comment on this item?

[No audible response.]

COMMISSIONER: Seeing none, the public comment is closed. Written comments, however, will be accepted at the Planning Department offices until 5:00 p.m. on June 18th.

CLERK: Thank you. Commissioners, I think we still need to allow more time for working on this.

COMMISSIONER: Let's move on.

-- ooo --

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TRANSCRIPTIONIST'S CERTIFICATION

I, V. Oliver, a duly designated transcriptionist, do hereby declare and certify under penalty of perjury that the foregoing pages 1 through 6 constitute a true, complete and accurate transcription of the electronic recording taken on

CALIFORNIA REPORTING, LLC

June 14, 2007, San Francisco Planning Commission in San Francisco, California.

Executed June 21, 2007, at San Luis Obispo, California.

V Oliver, Transcriptionist
California Reporting, LLC

CALIFORNIA REPORTING, LLC

CHAPTER VIII

Appendices

APPENDIX A: Initial Study

APPENDIX B: Secretary of the Interior's Standards for Rehabilitation

APPENDIX C: Historic Architectural Review

APPENDIX D: Preservation Technical Specialist Memoranda

APPENDIX A

Initial Study

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date of this Notice: March 20, 2004

Lead Agency: City and County of San Francisco, Planning Department
1660 Mission Street, 5th Floor, San Francisco, CA 94103

Agency Contact Person: Tim Blomgren **Telephone:** (415) 558-5979

Project Title: 2001.1056E – 280 Divisadero Street Carriage House

Project Sponsor: Richard and Cheryl Zillman

Project Address: 280 Divisadero Street

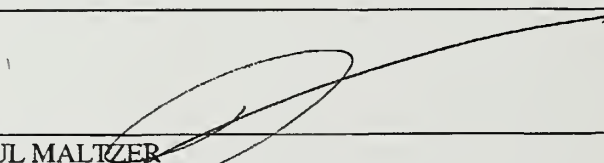
Assessor's Block and Lot: Block 1238, Lot 023

City and County: San Francisco

Project Description: The project would renovate a former carriage house (part of City Landmark No. 190, the Charles L. Hinkel House) so the 1,360-square-foot, two-story building can be placed back into service as a second residential unit on its lot. The former carriage house currently is vacant and in disrepair; it is believed to have last been occupied in 1981. The proposed project would affect only the carriage house; no changes to the main Charles L. Hinkel House are proposed. Proposed renovations include a new foundation, new structural framing, a new front door, and removal of the existing large doorway and its replacement with a divided-light wood sash window to the right of the new front door; a matching window would be installed to the left. At the second floor, the sponsor proposes to replace a non-historic aluminum dormer window with a new wood sash window in a narrower dormer that would be topped by a new pyramidal cupola. The dormer window opening would be raised to provide a more usable floor plan and more natural light at the second floor. Two new oval wood windows would be installed in the western slope of the existing Mansard roof, which would be re-covered with new roofing and, except for the cupola, would retain its existing profile. Existing wood siding would be reused where feasible, and extensive wood trim would be added. An outside deck would be constructed atop an existing carport, which would be converted to a garage. Additional detailing would include decorative metal railing along the roofline and a weathervane atop the cupola. Minor excavation would be required for construction of the new foundation and for installation of utilities.

The project site is within a NC-2 (Small-Scale Neighborhood Commercial) Use District and a 40-X Height and Bulk district (40-foot height limit; no bulk limit). The project would comply with the use requirements and the height and bulk limitations. The proposed project would require a Certificate of Appropriateness for exterior alterations to a City Landmark and a rear and side yard variance for construction in the required setbacks.

THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and the following reasons, as documented in the Initial Study for the project, which is attached.


PAUL MALTZER
Environmental Review Officer
Planning Department

280 DIVISADERO STREET CARRIAGE HOUSE

INITIAL STUDY

2001.1056E

I. PROJECT DESCRIPTION

The project site is at 280 Divisadero Street, on the eastern side of Divisadero Street between Page and Haight Streets, in the Lower Haight neighborhood of San Francisco's Western Addition district (see Figure 1, p. 2). The site (Assessor's Block 1238, Lot 23) is 6,875 square feet in area. The project site contains two structures: a four-story single-family dwelling (the "main house") and a two-story building that originally served as a carriage house for the property (the "former carriage house" or "carriage house") and was converted to a second residential unit at some time prior to 1973. The project site, including both structures and the entire lot, is City Landmark No. 190, the Charles L. Hinkel House, named after the builder. The proposed project would affect only the former carriage house; no changes to the main house are proposed. The carriage house is not visible from the street because there is a fence and a garage door south of the main house along the Divisadero Street property line.

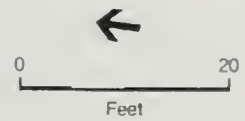
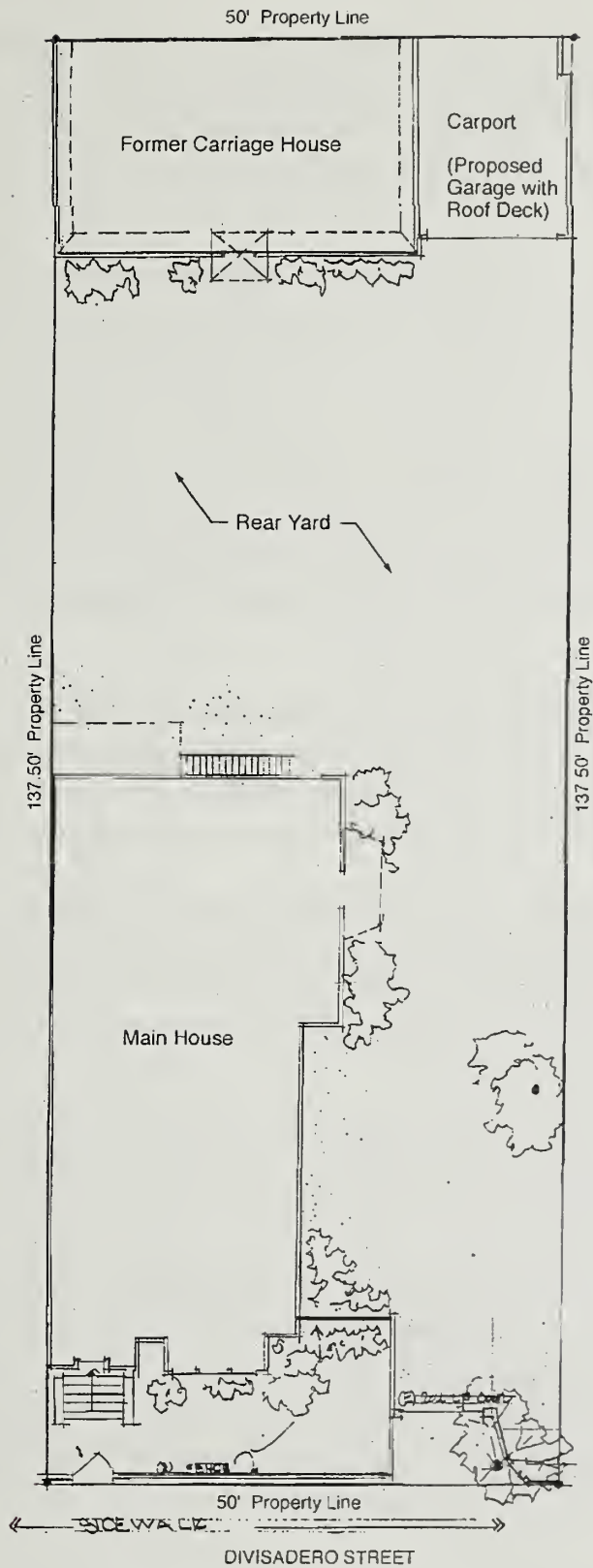
The former carriage house is located in the northeastern corner of the project site, along both the northern and eastern property lines. Attached to the south side of the building is a more modern carport, which extends to approximately the southern property line. Together, the former carriage house and carport occupy most of the rear approximately 15 percent of the lot. Figure 2, p. 3, depicts a site plan.

The former carriage house currently is vacant and is believed to have last been occupied in 1981. By the time the sponsor purchased the property in 1994, the carriage house had fallen into serious disrepair. The balloon framing,¹ improperly spaced in accordance with current Building Code requirements, has sustained dry rot on the south wall. The front (west) wall of the former carriage house sags perceptibly at its center, indicating structural failure, and the front wall also has sustained damage due to dry rot.

The project sponsor proposes to renovate the carriage house, including both exterior alterations and interior structural repairs, so that the building can be placed back into service as a rental unit. As was the case previously, the former carriage house would be a second unit on the project site.

Proposed renovations include a new foundation, new structural framing, installation of a new front door, and removal of the existing large doorway and its replacement with a divided-light wood sash window; a matching window would be installed to the north (left) of the new front door. At the second floor, the

¹ Balloon framing refers to a building framing method, common in the 18th and early 19th centuries, in which studs (the vertical members in the wall) run the entire height of a building (generally no more than two stories), without intervening horizontal beams at the second floor level. Balloon framing is contrasted with the now more-common platform framing, in which the walls of each floor are framed separately.



SOURCE: Richard Zillman

Case No. 2001.1056E: 280 Divisadero Street (ESA 203259) ■

Figure 2
Site Plan (Existing and Proposed)

sponsor proposes to replace the existing non-historic aluminum dormer window with a new wood sash window in a narrower dormer that would be topped by a new pyramidal cupola. The dormer window opening would be raised to provide a more usable floor plan and more natural light at the second floor. Two new oval wood windows would be installed in the western slope of the existing Mansard roof, which would be re-covered with new roofing and, except for the cupola, would retain its existing profile.

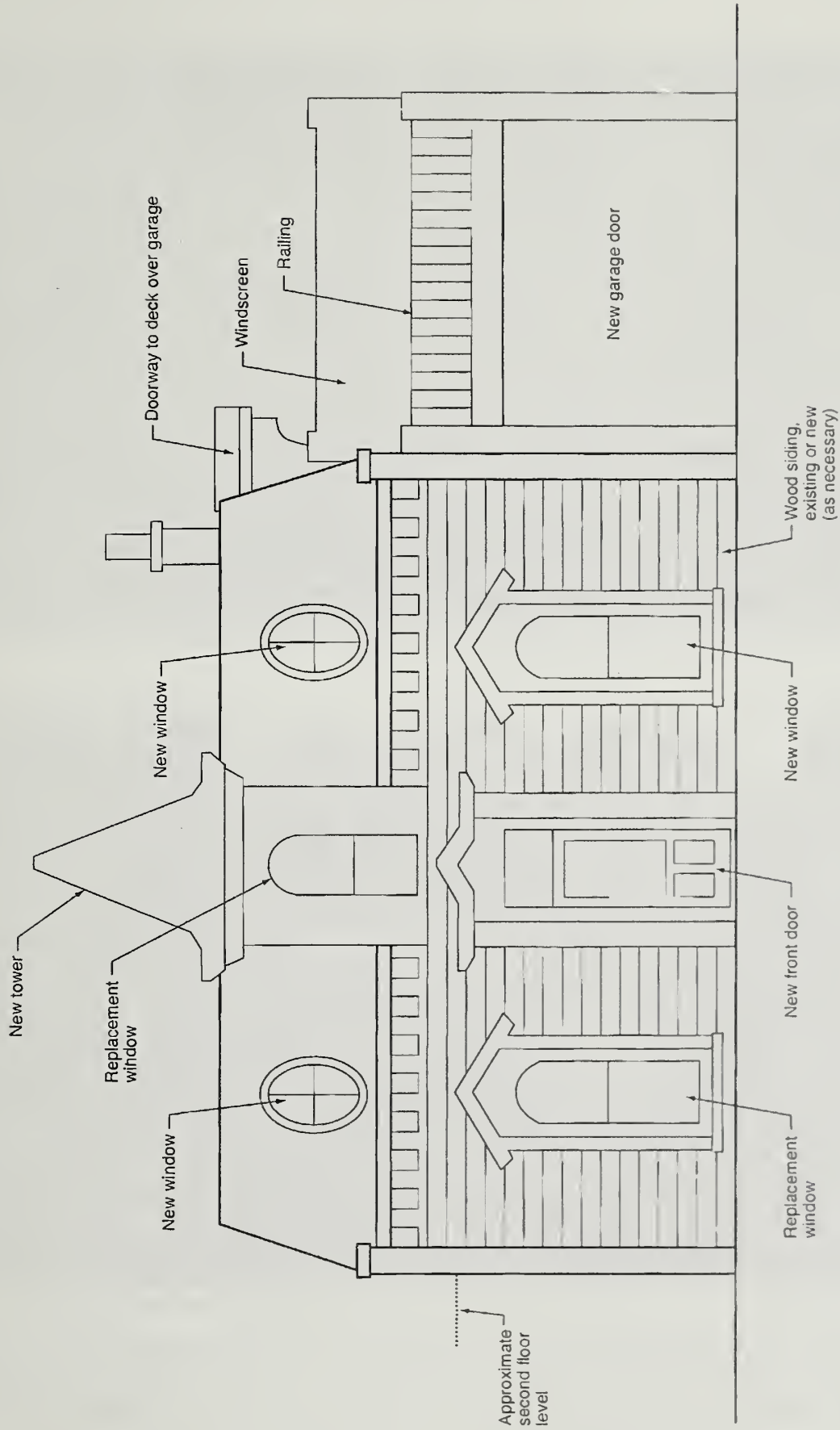
The primary exterior material would be wood siding, as at present. Existing material would be reused where feasible, although some of the siding is known to have dry rot. Wood trim would be used around the doors and windows, along a horizontal trim line between first and second floors, and at the corners of the building. An outside deck would be constructed atop the carport, which would be converted to a garage by the addition of a door (parking capacity be one space, as at present). A doorway to the deck would replace two existing windows in the south wall of the Mansard roof. The deck would include a wooden railing along the three sides not adjacent to this wall of the building. A new chimney would be placed near the southwest corner of the former carriage house to allow for installation of a wood stove or fireplace. Additional detailing would include decorative metal railing along the roofline and a weathervane atop the cupola.

Figure 3, p. 5, shows the principal (west) facade of the former carriage house, with the alterations proposed by the project sponsor. Figures 4 and 5, pp. 6 and 7, present photographs of the former carriage house and the main house. Figure 6, p. 8, depicts the existing carriage house facade, with major proposed changes indicated by dashed lines, to allow for comparison between the existing and proposed conditions.

The project also would include installation of new utilities, including pumps for wastewater and storm water. The square footage and height of the carriage house would be unchanged from its present condition. The former carriage house measures approximately 34 feet wide by 20 feet deep; at two stories, the building contains approximately 1,360 square feet. The structure is approximately 22 feet tall, measured to the top of the steeply sloped Mansard roof.

Excavation to a depth of approximately 4 feet would be required for construction of the new foundation and for installation of utilities that would run to the former carriage house from Divisadero Street. It is not anticipated that any substantial amount of soil would be removed from the site.

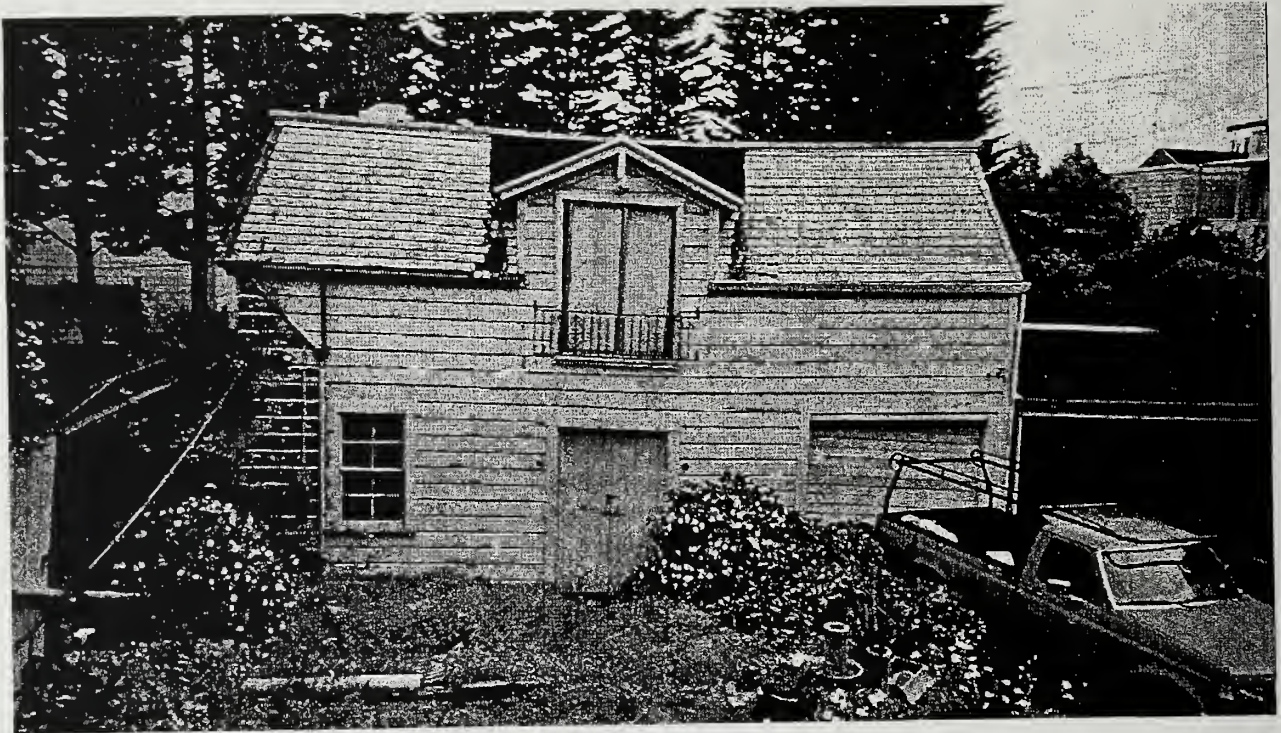
The project would require approval by the Planning Commission, with advice of the Landmarks Preservation Advisory Board, of a Certificate of Appropriateness for exterior alterations to a City Landmark. The project also would require a rear yard variance because the former carriage house is located within the required rear yard open space of the main house. A variance also would be required to permit less than the required dimensions for side yards. Finally, a building permit would be required.



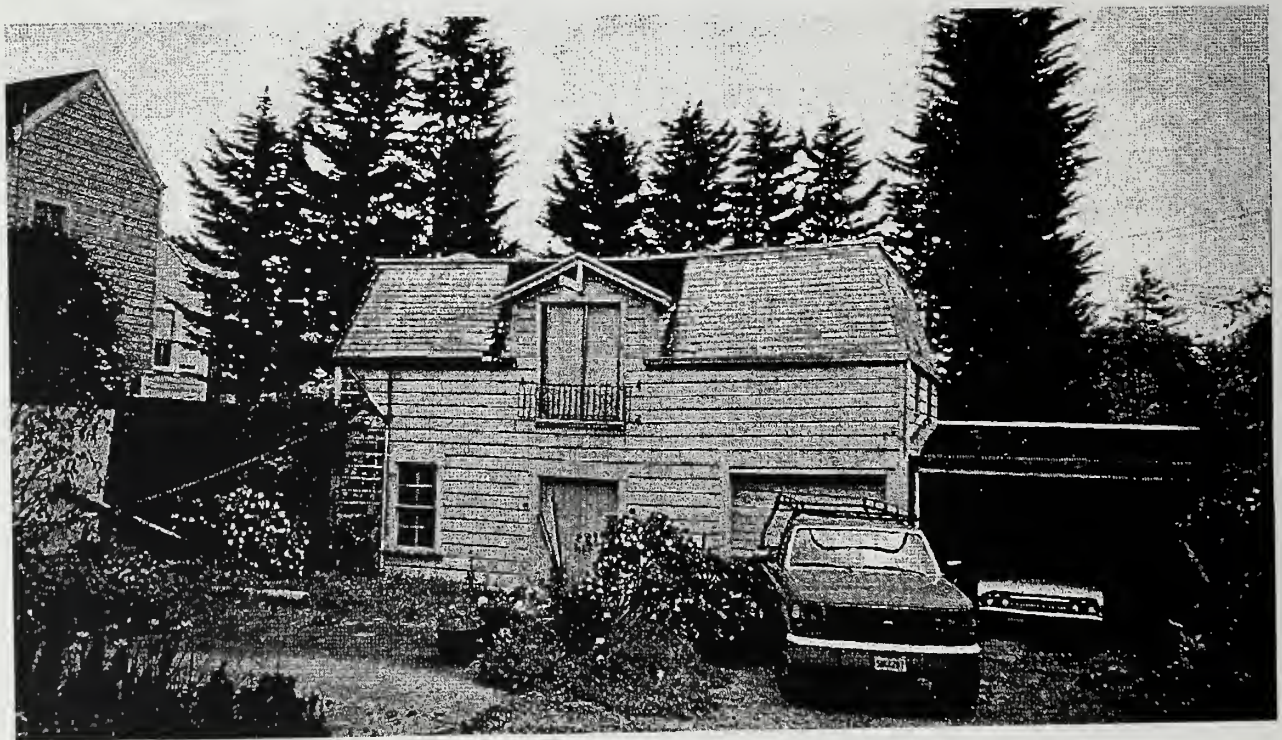
Case No. 2001 1056E, 280 Divisadero Street (ESA 203259) ■

Figure 3
Proposed Elevation
of Carriage House

SOURCE: Richard Zillman



Front (Western) Facade of Carriage House (Note sag towards center of roofline.)

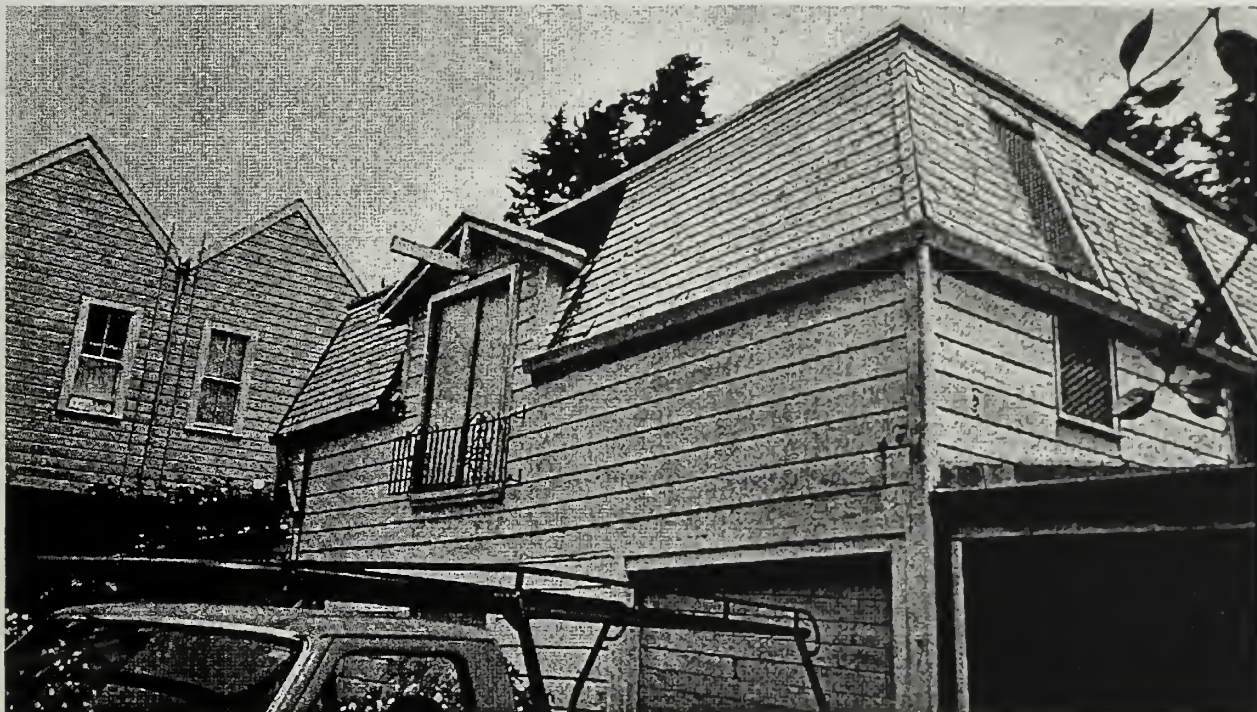


Carriage House and Garage

SOURCE: Environmental Science Associates

Case No. 2001.1056E: 280 Divisadero Street (ESA 203259) ■

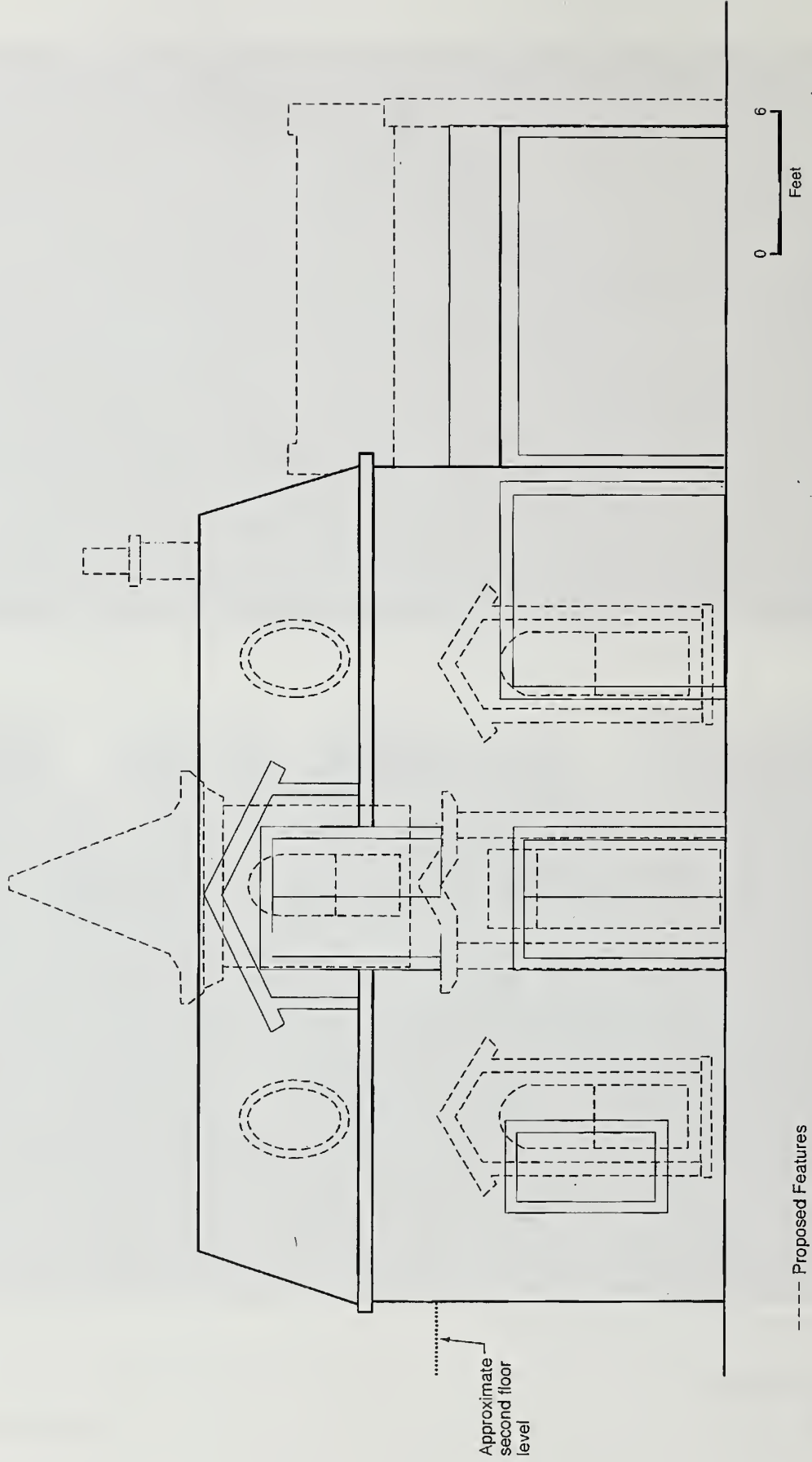
Figure 4
Photos of Project Site



Front and South Side Facades of Carriage House



Front (Western) Facade of Main House at 280 Divisadero



SOURCE: Richard Zillman

Case No. 2001.1056E: 280 Divisadero Street (ESA 203259) ■

Figure 6
Existing Elevation with
Major Features of Proposed Design

II. SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS

A. EFFECTS FOUND TO BE POTENTIALLY SIGNIFICANT

This Initial Study examines the 280 Divisadero Street Carriage House project to identify potential effects on the environment. On the basis of this Initial Study, project-specific effects have been determined to be potentially significant with regard to historic architectural resources. These impacts will be analyzed in the Environmental Impact Report (EIR).

B. EFFECTS FOUND NOT TO BE POTENTIALLY SIGNIFICANT

The following effects of the 280 Divisadero Street Carriage House project have been determined to be either insignificant or to be mitigated through measures included in the project: land use; visual quality/urban design; population and housing; transportation; noise; air quality, including shadow and wind; utilities/public services; biology; geology/topography; water; energy/natural resources; archaeological resources; and hazards. These issues are discussed below and require no further environmental analysis in the EIR.

III. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS	<u>Not</u>	
	<u>Applicable</u>	<u>Discussed</u>
1) Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable.	_____	<u> X </u>
2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.	<u> X </u>	<u> X </u>

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. A conflict with a General Plan policy does not, in itself, indicate a significant effect on the environment. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed in this Initial Study. The General Plan contains many policies, which may address different goals. The Planning Commission, in deciding whether to approve the project, must decide whether, on balance, the project is consistent with the General Plan. In general, potential conflicts with the General Plan are considered by decision-makers (normally the Planning Commission) independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project. The project site is not within any of the adopted Area Plans of the General Plan.

The San Francisco Planning Code, including the City Zoning Maps, implements the San Francisco General Plan, and governs permitted uses, densities and configuration of buildings within San Francisco.

Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Planning Code or an exception is granted pursuant to provisions of the Code.

This project site is located in within a NC-2 (Small-Scale Neighborhood Commercial) Use District that extends along both sides of Divisadero Street from Haight Street north to O'Farrell Street. The nearest residential district is a RM-3 (Residential, Mixed – Medium-Density) Use District that encompasses the eastern portion of the block on which the site is located.

The NC-2 district "is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes."² Residential units are a principal permitted use in the NC-2 district; the permitted residential density in a NC-2 district is one dwelling unit per 800 square feet of lot area,³ meaning that the maximum density on the project site is nine units. The NC-2 district also permits a variety of retail uses at the ground floor (less than 4,000 sq. ft. in floor area unless conditional use authorization is obtained). The project would comply with the use district controls.

The project site is within a 40-X height and bulk district (40-foot height limit; no bulk limit).

The proposed re-occupancy of the former carriage house as a second residential unit would be consistent with the requirements of the NC-2 district. The project would result in a density of 1 unit per approximately 3,435 square feet of lot area (site size of 6,875 sq. ft. ÷ 2 units = 1 unit per 3,437.5 sq. ft.), which is less than the maximum permitted density noted above. The project would not develop a building in excess of 40 feet in height, and therefore would be consistent with the 40-X Height and Bulk District.

Because the project site, including the former carriage house, composes City Landmark No. 190, the Charles L. Hinkel House, the project would require issuance by the Planning Commission of a Certificate of Appropriateness, pursuant to Article 10 of the Planning Code, Preservation of Historical, Architectural, and Aesthetic Landmarks. The project also would require approval of a variance to permit rehabilitation of the former carriage house, which is located within the required rear yard open space of the main house.⁴ Additionally, the former carriage house is set against the rear property line and very near the northern property line, while the existing carport, which is proposed to be converted to a garage with a roof deck, extends to approximately the southern property line. A variance would also be required to permit less than the required dimensions for side yards.

² San Francisco Planning Code, Section 711.1.

³ Planning Code, Section 711.91.

⁴ In general, Planning Code Sections 711.12 and 134(a)(1)(B) require a minimum rear yard at the ground level, if there are residential units at that level, equal to 25 percent of the lot depth, and not less than 15 feet.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character; (3) preservation and enhancement of affordable housing; (4) discouragement of commuter automobiles; (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of earthquake preparedness; (7) landmark and historic building preservation; and (8) protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the General Plan, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. In reviewing the building permit application for the proposed project, the Redevelopment Agency would make the necessary findings of consistency with the Priority Policies.

Environmental plans and policies, like the Bay Area Air Quality Management District's *Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

B. ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist have been checked "No," except for the item regarding historic architectural resources, indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse effect in those areas checked "No." For items where the conclusion is "To be Determined," the analysis will be conducted in the EIR. Several checklist items have also been checked "Discussed," indicating that the text includes discussion of that particular issue. For all of the items checked "No" without discussion, the conclusions regarding potential adverse environmental effects are based on field observation, staff and consultant experience on similar projects, and/or standard reference material available within the Planning Department such as the Department's *Guidelines for Environmental Review: Transportation Impacts*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each Checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1) <u>Land Use</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Disrupt or divide the physical arrangement of an established community?	_____	<u>X</u>	<u>X</u>
(b) Have any substantial impact upon the existing character of the vicinity?	_____	<u>X</u>	<u>X</u>

The project is located in a mixed-use neighborhood that includes single-family dwellings and multi-family residential units above ground-floor commercial uses. The mix of uses is especially prevalent on Divisadero and Haight Streets.

The project would rehabilitate and reuse a single residential unit, which would be the second unit on the project site. The project would not result in any physical change readily noticeable outside of the project site, nor would it result in any change of land use on the site or in the neighborhood. Therefore, land use effects would be less than significant.

2) <u>Visual Quality</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Have a substantial, demonstrable negative aesthetic effect?	<u> </u>	<u> X </u>	<u> X </u>
(b) Substantially degrade or obstruct any scenic view or vista now observed from public areas?	<u> </u>	<u> X </u>	<u> X </u>
(c) Generate obtrusive light or glare substantially impacting other properties?	<u> </u>	<u> X </u>	<u> X </u>

The carriage house that is proposed for renovation is not visible from Divisadero Street because it is located at the rear of a lot that slopes gently downward from the street, toward the east. Visual changes resulting from the project, therefore, would not be apparent to observers in public locations. The changes proposed by the project would be visible only from the existing residence and rear yard on the project site, and from neighboring buildings. In general, visual changes that are not publicly visible cannot be found to result in a substantial, demonstrable negative aesthetic effect. As noted, the changes would not be visible from public areas. As a single dwelling unit, the project would not generate obtrusive light or glare substantially impacting other properties. Therefore, the proposed project would not result in a significant effect upon visual quality.

3) <u>Population</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Induce substantial growth or concentration of population?	<u> </u>	<u> X </u>	<u> X </u>
(b) Displace a large number of people (involving either housing or employment)?	<u> </u>	<u> X </u>	<u> X </u>
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	<u> </u>	<u> X </u>	<u> X </u>

As rehabilitation of (and presumed re-occupancy of) a single residential unit, the project could not induce substantial growth or concentration of population. Because the former carriage house is not occupied at present, no displacement would occur. The project would create no new demand for housing in San Francisco, nor would it substantially reduce the housing supply; on the contrary, it would increase the

housing supply, although not to a meaningful degree in terms of demand. Based on the foregoing, the proposed project would not result in a significant effect upon population.

4) <u>Transportation/Circulation</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	<u> </u>	<u> X </u>	<u> X </u>
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	<u> </u>	<u> X </u>	<u> X </u>
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	<u> </u>	<u> X </u>	<u> X </u>
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	<u> </u>	<u> X </u>	<u> X </u>

As rehabilitation of (and presumed re-occupancy of) a single residential unit, the project could not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, nor would it cause a substantial increase in transit demand or in parking demand. Project trip generation would be 10 or fewer person-trips on a daily basis, and two or fewer person trips in the p.m. peak hour, according to the Planning Department's Transportation Impact Analysis Guidelines. Further, the project would not interfere with existing transportation systems. In sum, project operation would not result in any significant transportation impacts.

During project construction, there could be minor effects due to materials delivery and construction worker travel. However, these effects would be comparable to those of a typical residential construction or remodeling project, and would not significantly affect traffic or transit on Divisadero Street or surrounding streets. The project site provides adequate space for temporary off-street to accommodate several vehicles. No significant transportation impacts would be anticipated due to project construction.

5) <u>Noise</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Increase substantially the ambient noise levels for adjoining areas?	<u> </u>	<u> X </u>	<u> X </u>
(b) Violate Title 24 Noise Insulation Standards, if applicable?	<u> </u>	<u> X </u>	<u> </u>
(c) Be substantially impacted by existing noise levels?	<u> </u>	<u> X </u>	<u> X </u>

The urban setting of the project area includes numerous sources of noise. Traffic noise normally is the dominant existing noise source, as is the case in most San Francisco neighborhoods. Generally, traffic must double in volume to produce a noticeable increase in noise levels. Given that the proposed project would not cause any meaningful increase in traffic volumes, the project would not cause a noticeable

increase in the ambient noise level in the project vicinity. Traffic noise therefore would not be significant.

Noise levels in the project area are typical of those in many parts of San Francisco outside downtown. Existing residential and commercial activities exist in close proximity in the project neighborhood, and traffic, particularly on Divisadero Street, creates moderately noisy conditions. Re-occupancy of the former carriage house as a residential unit would introduce additional sensitive noise receptors to the neighborhood, but the location of the carriage house, at the rear of the project yard, would substantially reduce noise levels there, compared to locations at the front property line. Occupants of the carriage house would be subject to the same noise levels as other residents in the immediate vicinity, and would not be substantially impacted by existing noise levels.

Construction of the proposed project would temporarily increase noise in the site vicinity. However, these effects would be comparable to those of a typical residential construction or remodeling project, and would not significantly affect noise in the project vicinity. Therefore, no significant construction noise impacts are anticipated.

All construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 decibels (measured as dBA; a unit of measure for sound where dB denotes use of the A-weighted scale, which simulates the response to the human ear to various frequencies of sound) at a distance of 100 feet from the source; 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of the Department of Public Works authorizes a special permit for conducting the work during that period. Project demolition and construction would comply with the Noise Ordinance. Compliance with the Noise Ordinance is required by law and would reduce any impacts to a less-than-significant level.

6) <u>Air Quality/Climate</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	_____	<u>X</u>	<u>X</u>
(b) Expose sensitive receptors to substantial pollutant concentrations?	_____	<u>X</u>	<u>X</u>
(c) Permeate its vicinity with objectionable odors?	_____	<u>X</u>	_____
(d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	_____	<u>X</u>	<u>X</u>

Air Quality

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring detailed air quality analysis. These thresholds are based on the minimum size of projects which the District considers capable of producing air quality problems due to vehicular emissions. Generally, the BAAQMD does not recommend a detailed air quality analysis for projects that would generate fewer than 2,000 vehicle trips per day (BAAQMD *CEQA Guidelines*, revised December 1999). As noted in Section 4, Transportation, the proposed project would generate 10 or fewer daily *person*-trips. Even in the unlikely case that all person-trips would be vehicle trips, the proposed project would not exceed this minimum standard. Project vehicle-trips would generate negligible emissions. Therefore, the project would not result in any significant air quality impacts due to vehicular emissions.

Construction emissions would occur in short term and temporary phases due to powered (gasoline or diesel) equipment and, because of the size of the site, would not the potential to cause adverse effects on local air quality. No substantial excavation is proposed, and most construction activity, with the exception of materials delivery, likely would be hand work. Therefore, the proposed project would not result significant construction-related air quality effects.

Shadow and Wind

The project, involving a building less than 40 feet in height, would not be subject to Section 295 of the Planning Code (the Sunlight Ordinance), which protects certain public open spaces from shadowing by new and enlarged structures. The project would not cast shadow on any public open spaces.

Wind impacts are generally caused by large building masses that extend substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The project would not involve such construction.

Therefore, the project would not result in significant effects related to shadow or wind.

7) <u>Utilities/Public Services</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Breach published national, state or local standards relating to solid waste or litter control?	_____	<u>X</u>	_____
(b) Extend a sewer trunk line with capacity to serve new development?	_____	<u>X</u>	_____
(c) Substantially increase demand for schools, recreation or other public facilities?	_____	<u>X</u>	_____
(d) Require major expansion of power, water, or communications facilities?	_____	<u>X</u>	_____

Utilities and public services are already provided in the project area. The proposed project would incrementally increase demand for and use of public services and utilities on the site, but not in excess of amounts expected and already provided for in the area. Thus, the proposed project would not be expected to have a measurable impact on public services or utilities.

8) <u>Biology</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	_____	<u>X</u>	_____
(b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	_____	<u>X</u>	_____
(c) Require removal of substantial numbers of mature, scenic trees?	_____	<u>X</u>	_____

The project site is a residential rear yard that already is occupied by an existing structure, a former carriage house. The project would not expand the building footprint. No significant effects on biological resources would occur as a result of the project.

9) <u>Geology/Topography</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction).	_____	<u>X</u>	<u>X</u>
(b) Change substantially the topography or any unique geologic or physical features of the site?	_____	<u>X</u>	_____

The San Francisco General Plan Community Safety Element contains maps that show areas of the City subject to geologic hazards. Like all of San Francisco and the Bay Area, the project site is located in an area subject to groundshaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area. The project site is located in an area subject to "non-

structural” damage (Modified Mercalli Intensity VII) from seismic groundshaking originated by a characteristic earthquake (Moment Magnitude 7.1) along the San Andreas Fault approximately six miles southwest of San Francisco, and the Northern Hayward Fault approximately 12 miles northeast of San Francisco (Maps 2 and 3 of the Community Safety Element). During a strong earthquake on a segment of one of the nearby faults, strong to very strong shaking is expected to occur at the project site. The project site is not within areas designated by the California Geological Survey as a “Seismic Hazard Zone,” either for liquefaction or for earthquake-induced landslides, pursuant to the Seismic Hazards Mapping Act,⁵ although a liquefaction hazard zone is identified as being just north of the block on which the project site is located.

The project site is not in an Alquist-Priolo Special Studies Zone,⁶ and no known active fault exists on or in the immediate vicinity of the site. The closest active faults are the San Andreas Fault, approximately 8 miles southwest of downtown, and the Hayward Fault, about 16 miles northeast of downtown. Like the entire San Francisco Bay Area, the project site is subject to groundshaking in the event of an earthquake on these faults, although surface rupture at the site is unlikely.

Excavation to a depth of about 4 feet would be required for construction of the new perimeter foundation. The project would not alter the topography of the site.

The final building plans will be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of special geologic study areas and known landslide areas in San Francisco, as well as the building inspectors’ working knowledge of areas of special geologic concern. To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage from groundshaking. Therefore, potential damage to structures from geotechnical hazards on a project site would be mitigated through DBI review of the building permit application (and requirement for a geotechnical report, if determined necessary), pursuant to DBI implementation of the Building Code.

In light of the above, the project would not result in a significant effect related to geology.

⁵ The Seismic Hazards Mapping Act was enacted in 1990 to protect the public from the effects of strong groundshaking, liquefaction, landslides, and other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones.

⁶ California State Department of Conservation, *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999*, [<http://www.consrv.ca.gov/CGS/rghm/ap/affected.htm>]; reviewed September 6, 2003.

10) <u>Water</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Substantially degrade water quality, or contaminate a public water supply?	_____	<u>X</u>	_____
(b) Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge?	_____	<u>X</u>	_____
(c) Cause substantial flooding, erosion or siltation?	_____	<u>X</u>	_____

The project would not change the amount of impervious surface area, as it would rehabilitate an existing structure – the former carriage house – and, therefore, would not measurably affect runoff or groundwater recharge. Therefore, neither groundwater resources nor runoff and drainage would be adversely affected.

11) <u>Energy/Natural Resources</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	_____	<u>X</u>	<u>X</u>
(b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	_____	<u>X</u>	_____

The project would meet current state and local codes concerning energy consumption. For this reason, it would not cause a wasteful use of energy. Therefore, effects related to energy consumption would not be significant.

12) <u>Hazards</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	_____	<u>X</u>	<u>X</u>
(b) Interfere with emergency response plans or emergency evacuation plans?	_____	<u>X</u>	<u>X</u>
(c) Create a potentially substantial fire hazard?	_____	<u>X</u>	<u>X</u>

Hazardous Building Materials

The former carriage house essentially constitutes a wooden box, with most of the interior walls (to the extent they existed) stripped away and minimal remaining utilities installed. The most likely potential for hazardous building materials to exist involves lead-based paint and asbestos, removal of which are heavily regulated in both instances, and therefore which are unlikely to present a potential for significant impacts.

Given the age of the structure, lead paint may be found on the exterior, and possibly in the interior, of the former carriage house. Any demolition of materials containing lead paint, such as exterior siding to be replaced, must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Chapter 36 requires specific notification and work standards, and identifies prohibited work methods and penalties. (The reader may be familiar with notices commonly placed on residential and other buildings in San Francisco that are undergoing re-painting. Generally affixed to a drape that covers all or portions of a building, these notices are a required part of the Chapter 36 notification procedure.)

Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the HUD Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint-inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of the Department of Building Inspection, of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property; approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non compliance with the requirements of the ordinance.

These regulations and procedures by the San Francisco Building Code would ensure that potential impacts of demolition, due to lead-based paint, would be reduced to a level of insignificance

Asbestos-containing materials could be found within the existing building, although most potential sources of asbestos, such as heating ducts and chimneys, are not extant within the former carriage house. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation when a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice and abatement requirements described above.

These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

Fire Hazards

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing and new buildings are required to meet standards contained in these codes. The proposed project would conform to these standards, which (depending on the building type) may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process.

As rehabilitation and presumed re-occupancy of a single residential unit, the project would not result in any significant effects on emergency response plans or emergency evacuation plans.

Conclusion

Remediation of hazardous building materials, if present, is strictly regulated by federal, state, and local law and regulations. In view of the above, the proposed would have no significant impacts related to hazards.

13) <u>Cultural</u> - Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study?	_____	<u> X </u>	<u> X </u>
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	_____	<u> X </u>	_____
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	<u>TO BE DETERMINED</u>		

Archaeological Resources

Excavation to a depth of about 4 feet would be required for construction of the new foundation and for installation of utilities that would run to the former carriage house from Divisadero Street. It is not anticipated that any substantial amount of soil would be removed from the site. Therefore, the project does not have the potential to disturb subsurface cultural resources, should such resources be present.

Architectural Resources

The project site, including the former carriage house, constitutes City Landmark No. 190, the Charles L Hinkel House, a landmark designated pursuant to Article 10 of the Planning Code. The EIR will evaluate the project's potential effect on this resource.

C. OTHER	Could the Project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
	Require approval and/or permits from City Departments other than Department of City Planning or Bureau of Building Inspection, or from Regional, State or Federal Agencies?	_____	<u> X </u>	_____

APPROVALS

A list of approvals and permits necessary for the project is presented under Compatibility with Existing Zoning and Plans, p. 9.

NEIGHBORHOOD CONCERNS

Neighbors of the project site, including those with private views of the site, have commented favorably on the proposed project.

D. MITIGATION MEASURES	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Discussed</u>
1) Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	<u> </u>	<u> </u>	<u>X</u>
2) Are all mitigation measures necessary to eliminate significant effects included in the project?	<u>X</u>	<u> </u>	<u> </u>	<u>X</u>

No significant impacts have been identified, with the possible exception of effects on historic architectural resources, which will be evaluated in the EIR. No mitigation measures are required for impacts analyzed in this Initial Study.

E. ALTERNATIVES

The EIR will evaluate alternatives to the proposed project, including:

1. No Project. The former carriage house would not be renovated, and would not be re-occupied as a residential unit.
2. Landmarks Preservation Advisory Board (LPAB)-Recommended Project. The former carriage house would be renovated consistent with direction provided to the sponsor by the LPAB.

Additional alternatives to the proposed project may be developed during preparation of the EIR.

F. MANDATORY FINDINGS OF SIGNIFICANCE

Yes No Discussed

- | | | | |
|---|-------|----------------------|----------------------|
| 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | _____ | _____ <u>X</u> _____ | _____ <u>X</u> _____ |
| 2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | _____ | _____ <u>X</u> _____ | _____ |
| 3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.) | _____ | _____ <u>X</u> _____ | _____ <u>X</u> _____ |
| 4) Would the project cause substantial adverse effects on human beings, either directly or indirectly? | _____ | _____ <u>X</u> _____ | _____ |

G. ON THE BASIS OF THIS INITIAL STUDY

- _____ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.
- _____ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because Mitigation Measures in the discussion above have been included as part of the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- X I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

MARCH 19, 2004
Date

PAUL MALTZER
Environmental Review Officer
for
GERALD G. GREEN
Director of Planning
Planning Department

APPENDIX B

Secretary of the Interior's Standards for Rehabilitation

Presented below are the Secretary of the Interior's Standards for Rehabilitation, as codified in National Park Service regulations (36 CFR 68) and included in the 1995 National Park Service publication *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Properties*, by Kay D. Weeks and Anne E. Grimmer, which is referenced in Section 15064.5 of the state CEQA Guidelines. (A slightly different version of the Secretary's Standards for Rehabilitation is codified separately for use in the federal Historic Preservation Tax Incentives program (36 CFR 67), under which property owners of certain historic properties can gain tax credits for restoring those properties.)

"Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values." According to Weeks and Grimmer, "The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility."

Standards for Rehabilitation

- 1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- 2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- 3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- 4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- 5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in

design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

- 7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- 8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- 9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- 10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPENDIX C

Historic Architectural Review

(December 7, 2005)

December 7, 2005

280 DIVISADERO

Historic Architectural Evaluation of Proposed Project

The purpose of this correspondence is to provide an evaluation of proposed new construction on an historic property. The primary question of this evaluation is whether the proposed project meets the applicable Secretary of the Interior's Standards for Rehabilitation (the Standards). A secondary question, addressed in summary and in closing, is how a proposed alternative design satisfies the Standards. (This evaluation does not address the removal of the existing structure, which the proposed project is intended to replace.)

The proposed project is the construction of a new, detached residential building upon an existing residential property at 280 Divisadero Street, that is a City of San Francisco Landmark. The property consists of a large and grand Victorian single-family residence, its lot and landscape, and the remnants of a former second unit/carriage house with an attached carport that is presently unused. The proposed second residential unit would occupy the footprint of the former second unit/carriage house and carport, located behind the main residence across the very rear of the property.

The proposed project is a detached, second residential unit with an attached garage. It is, relative to main residence, a small, freestanding structure, with an exterior design that is eclectically traditional, perhaps best described as Neo-Victorian — the Victorian having famously blended various picturesque architectural styles. The dominant period characteristics — a crested French or mansard roofline with ovoid dormer windows, with the likeness of a central tower — are after the Second Empire style, apparently as a recognition of the dominant style of the historic main house. Yet, other proposed features — including doors, windows and their surrounds — are more Italianate in character. As noted, the proposed design is very eclectic and, in fact, exuberantly so. On paper, it fools the eye into perceiving it as a full size building, but it isn't. It is a small building disguised as a big building. In this sense, coupled with its eclectic exuberance, it is an architectural fantasy.

However, while the proposed project replaces the former second unit/carriage house, it does not attempt to recreate the design of a carriage house. It is also noteworthy that no specific exterior features of the proposed design attempt to match any features of the historic main residence. The style and detailing of the proposed new unit are only typically related to the historic main residence.

The following lists each of the ten Standards, while highlighting (**bold**) and specifically addressing those which are applicable to proposed new construction on an historic property:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The historic, residential use of the property will not be altered by the proposed project.

The earlier second unit/carriage house was converted, before 1960, from its original carriage house usage, including the modification of the building exterior, to a residential use. The proposal is to maintain the legal, residential use of the property.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

No historic features, spaces or spatial relationships that characterize the property will be altered by the project.

The space of the original open and landscaped lot that surrounds the main house on two sides — the south and east, is intact. The historic character of the lot is identified as “large” and, thus, “allow[ing] space for landscaping and a carriage house.” The proposed project would construct a new residential building with a garage on the footprint of the earlier second unit/carriage house and carport at the rear of the site. The proposed new structure would reflect the built volume of the earlier, excepting for a proposed central “tower”, the cupola of which would rise above the height of the earlier building. And the garage would slightly enlarge the volume of the earlier carport, as well as being an enclosed rather than open structure.

Despite the impression that the design drawing presents — that of a large building — the proposed design is for a relatively small, 2-story residential unit with attached garage, placed along the rear lot line, and behind what is in reality a relatively very large and grand residence. While the proposed exterior design is expressive rather than modest, the proposed building remains subordinate to the main house.

The identified historic relationships and characteristics of the property will not be altered by the proposed project, as it would, for example, by the intrusion of a new building on a different part of the site, or by a building of a substantially different size or volume.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

With regard to this Standard, the issue is whether the neo-Victorian exterior design of the proposed structure would result in an edifice that may be confused as historical.

Traditionally, a carriage house would be a logical component to a 19th century residential property such as this. However, as noted above, the new design is not a carriage house, but a small residential unit with an attached garage. While the pattern of historical development that is manifest in this historic property is identified as consisting of a main house on a large lot with landscaping and a carriage house, there is no precedent for the second residential unit in that historical pattern. From this perspective, the proposed new unit would not create a false sense of historical development, since it does not satisfy the historic development equation.

As far as the neo-Victorian exterior design is concerned, there is some evidence that a design of such formality would have existed during this historical period. Indeed, the project sponsor apparently intends that the design have some sense of authenticity to the historical period and property. Thus, there is reason to acknowledge that the design is conjectural to the extent that

some false sense of historical development could occur.

Yet, that potential conjectural aspect is offset by the aforementioned fact that this is not a carriage house, and that such a second residential unit, that of a small house with an attached garage, would not have occurred as a building type in the context of the historical period.

The design is also apparently intended less as conjecture, than as a design made to be compatible to the historic residence. Yet, the exterior design of the new unit and that of the historic residence are not equivalent, as the scale, form and features of each are very distinct from one another. Thus, a comparison between the two will easily reveal their individual aspects, and lead the observer to the conclusion that this new unit is of a different time and place than that of the historical property.

Moreover, the proposed project is for a new structure that will differ from the historic property and building with respect to their construction and materials. It will also have a development record that will, presumably, be traceable for the foreseeable future.

Finally, the proposed new unit is not visible to the public, as it is located at the rear of a private residential property, without any visibility from the public way. Thus, there is no question of whether this structure will be experienced, in passing, by the general public. It will not. Rather, it will be a specialized and discerning public that will observe and interpret the proposed new structure.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Not applicable.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

No distinctive features of the historic property or residence will be effected by the proposed project.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Not applicable.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Not applicable.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Not applicable.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The proposed construction of a new residential unit will not destroy or alter any identified historic materials, features, patterns, or relationships of the property or of its primary residence.

Here again, as under Standard 3, the remaining issue is about differentiation and compatibility. As discussed above, the new design is unique and different, even while representational of Victorian architecture. At the same time, it is of a scale and location that are appropriate to the historical pattern of development of this property, infilling the footprint of the previous second unit/carriage house at the rear of the property.

As also discussed above, the proposed exterior design is eclectic and exuberant, and, as such, has the character of an architectural fantasy. Authentic Victorian architecture is, at its best, fantastic, as is the historic residence on this property, both inside and out.

The proposed building is an earnest interpretation of the Victorian style of the historic residence. At the same time, it does not mimic that residence. Given the fantastic character of the proposed design, there will be no one fooled into perceiving that its architecture is historical.

Therefore, in the opinion of this reviewer, the proposed project is sufficiently different from the historical and, since it is intentionally in keeping with the architectural style of the historic residence, it is also compatible.

10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

As a freestanding structure, and one built on the footprint of the previous structure, the proposed new unit is removable without altering the identifiable form and character of the historic property.

Alternative Designs

Several alternative designs have been proposed for this project, one of which has been included in the DEIR. This alternative design is based on the form of the existing accessory structure, with design alterations intended to provide a sense of what the former carriage house may have been, merged with the project sponsor's requirements for a second residential unit, including the addition of an enclosed garage with a roof deck.

With respect to the Standards, the alternative design is no more consistent — again emphasizing that the proposed structure, in both instances, would be new. It would be much the same building as the proposed project in every respect except for the degree of ornamentation. In the opinion of this reviewer, a more modest exterior design would be no more compatible, since modesty is not necessarily the priority when it comes to interpreting the historic architecture of this period. The placement of the new residential building establishes the relationship between the primary and historic residence, and this secondary building.

APPENDIX D

Planning Department Preservation Technical Specialist Memoranda

(November 20, 2006, and July 12, 2004)



PLANNING DEPARTMENT

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SFGOV.ORG/PLANNING

INTEROFFICE MEMORANDUM

TO: VIKTORIYA WISE
FROM: N. MOSES CORRETTE *NS*
SUBJECT: 2001.1056E 280 DIVISADERO STREET CARRIAGE HOUSE; LANDMARK #190
DATE: 11/20/2006
CC: MARK LUELLEN, PRESERVATION COORDINATOR

I have been asked to address the proposed new construction to be located on the site of the current carriage house. Specifically, I have been asked to determine if the proposed new construction results in a substantial adverse change to the significance of the Hinkel House property. This analysis is for the California Environmental Quality Act, and does not address compliance with Article 10 of the Planning code, which must also be met. The Department had not received any materials to review from a preservation consultant to address the issue of new construction at the time of the July 12, 2004 assessment of the project. In that memorandum to Major Environmental Analysis of 2004, I stated:

"It is unlikely that the project itself would have any material impairment to the main residence, the other part of the landmark site. There will be resulting impairments of the setting and feeling of the landmark site overall, with a change of the relationship between the two buildings as primary residence, and ancillary structure."

I used the term "material impairment" above, as a layperson, to mean that no physical harm would occur to the main house – barring of course an accident where heavy equipment were to cause damage to the landmark building.

On December 7, 2005, Mark Hulbert (Preservation Architecture) presented arguments in support of the proposed project (His evaluation was limited to new construction following the removal of the existing carriage house) in an analysis of the project against the Secretary of the Interior's Standards: (please refer to Hulbert report alongside staff analysis below)

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Staff analysis of the new construction project (following the voluntary demolition of the existing carriage house) finds that it fails to meet this standard, as it would create an adverse change to the site and the environment. The design of the building's exterior is not consistent with the historic relationship of structures on the site, by creating a second primary edifice, and not maintaining the visual appearance of a secondary structure. The

measure of minimal change required to execute the project in order to meet this Standard is not met.

NOTE: Consultant analysis does not accurately reflect the permit records for the existing carriage house, which will have been demolished, and the use therefore abandoned – necessitating a variance for the new construction.

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**

The consultant argues that the spatial relationships between the two structures will not be adversely affected, and that the new building will be subordinate to the main house. It is true that the new building will occupy the same location and volume as the present carriage house; however, the character of the space between the two buildings will be altered.

- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.**

The consultant produced an incoherent argument and an unsubstantiated conclusion. The Department's review concluded that, the proposed new building produces a near pure textbook example of conjectural features with architectural elements applied to an acceptable volume that exceeds the complexity of a secondary structure on a landmark site.

In the case at hand, the extant carriage house is *unchanged* from the time it was formally designated as Landmark #190, and the structure itself is the historical record of the development of the site, obviating the need for any conjectural elements in the new construction.

Embellishing simple unadorned facades with high-style details, or adding features borrowed from a different period should be avoided. Conjectural changes create a false sense of historical development and are contrary to the Secretary of the Interior's Standards for Rehabilitation.¹ The proposed project fails to meet the Standards because the construction misrepresents the historic appearance of the site. If the added features were removed, and the façade simplified in a meaningful way, the historic appearance of the ancillary structure could be reestablished and the project could meet the Standards.

- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.**

Not applicable to the new construction.

- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.**

Not applicable to the new construction.

- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.**

¹ Interpreting the Standards Bulletin #38: Alterations Without Historical Basis:
<http://www.cr.nps.gov/hps/TPS/tax/ITS/its-38.pdf>

Not applicable to the new construction.

7. **Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.**

Not applicable to the new construction.

8. **Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.**

Not applicable to the new construction.

9. **New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.²**

As a separate structure on the historic site, it will not call for the destruction of historic materials that characterize the remaining Hinkel House. By virtue of being a separate building of new construction, it is differentiated from the Hinkel House. The proposed structure is planned to be of wood frame construction and is consistent with the massing, size and scale as the historic carriage house. As proposed, the design is not compatible with the architectural features of the property and its environment. Advice given to the applicant to simplify the design of the façade has been given by several members of the Planning Department Staff (2001-present), the Architectural Review Committee (December 19, 2001), and most attending members of the Landmarks Board hearing (September 18, 2002). The Department's experts, the Architectural Review Committee, and the Landmarks Board all concur that the architectural features of the proposed building are more exuberant than the original elements of the carriage house, and do not reflect the elements of either a generalized ancillary building, or the main house. With the high level of ornamentation, the proposed design competes with the historic building instead of being harmonious with it, and is therefore incompatible.

Below are some guidelines promulgated by the Secretary of the Interior for new construction on historic sites:

- Be distinguishable from the historic building; (*met*)
- NOT be highly visible; (*met*)
- Blend in with the historic building; and (*not met*)
- Be subordinate to the historic building. (*not met*)

Strictly reviewed as a new construction, the proposed building is a separate structure, distinguishable from the remaining historic building. It is planned to be located at the rear of the lot, not highly visible from the public view. The proposed design does not blend with the historic building, as it creates a false sense of development of the site with a highly ornamented residential building in the historical location of a simple utilitarian carriage house. A new building with residential use and utilitarian character could meet the Secretary of the Interior's Standards for the site. As proposed, the new building would not appear to be subordinate to the historic Hinkel House in any terms other than location. It would appear to be a second historical dwelling of equal or greater ornamentation.

² The National Park Service has detailed information: http://www.cr.nps.gov/hps/tps/tax/incentives/avoiding_14.htm

The remaining historic building would appear as but one element of a new composition bearing little relationship to the historic appearance of the property. As a result, the historic character of the overall property and its environment would be destroyed.

- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

The Department concurs with the consultant's assessment.



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MEMORANDUM

TO: Nannie R. Turrell, Major Environmental Analysis Unit

CC: A. Green, Recording Secretary, Landmarks Preservation Advisory Board
O. Chavez/Historic Resource Impact Review File

FROM: N. Moses Corrette, Preservation Technical Specialist

REVIEWED BY: Neil Hart, Chief of Neighborhood Planning / Preservation Coordinator

DATE: July 12, 2004

RE: Address 280 Divisadero Carriage House
Block 1238, Lot 23
Case No. 2001.1056E
Historic Resource Project Impact Evaluation (EIR review)

PROPOSED PROJECT

1. **Project Description**

Rehabilitation of vacant carriage house for residential use.

2. **Property Description**

The subject building is a utilitarian structure at the rear of a high-style Victorian residence. The main form of the building is that of a rectangular one-and-a-half story carriage house, with the upper floor under a mansard roof at the northeast corner of the lot. The western façade of the building faces the interior of the lot, and the rear of the main residence. The southern elevation is partly exposed, and sheltered by a carport that fills the gap to the property line. The northern and eastern elevations of the building are located on the property line. The building itself is about 35 feet wide, and 21 feet deep, with the adjacent open carport being about 15 feet wide, and 20 feet deep.

As the building exists today, the front of the building is located slightly below grade, and the rear of the building at the rear property line is elevated about three feet from grade.

The interior's exposed framing gives clues to the building's possible original appearance, which is not terribly different from what is found on the façade today. The main building form is as it was constructed. The upper floor and mansard roof shape and centrally placed dormer are likewise original. The opening within the dormer is original, however, the door has been replaced with a glass window, and a metal railing applied to the lower portion. The lower façade

has seen some change. In three building bays, the first bay contains a single 4/4 wood sash window, the central bay contains a pair of doors together wide enough for human or horse. The third bay contains an opening large enough for a carriage or automobile, but is now boarded from the interior.

3. Historic Rating/Survey

The Charles L. Hinkel House and Carriage House are together City Landmark # 190. They are included in the survey and book, "Here Today", and published on page 127. They were also included in the Planning Department's 1976 Architectural Survey.

4. Historic District/Neighborhood Context

There is no existing or proposed historic district in the adjacent area. The property is located about two blocks from the San Francisco locally listed Alamo Square Historic District, and two blocks from the California Register District in Hayes Valley.

EVALUATION / ANALYSIS

1. History

See Landmark Designation Report

Note: a variance was granted in 1988/9 to legalize the use of the carriage house for a dwelling; however, there do not appear to be any completed building permits that followed the entitlements, which may themselves have now expired.

2. Period of Significance

(include date of construction if eligible for architecture only)

See Landmark Designation Report

3. Character-Defining Features

The character-defining features of the carriage house are: the size and location of the building on the lot, the mansard-shaped roof, the horizontal shiplap siding, the original 4/4 wood double-hung window in the first building bay, an opening wide enough to admit the entry of a carriage and the second floor opening to the hayloft (although the openings themselves may be partially infilled), and the horizontal pole above the hayloft opening from which to hang a pulley.

4. Integrity

The subject property has retained or lacks integrity from the period of significance noted above, as follows:

location,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	(slightly diminished)
design,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	
materials,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	
workmanship,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	
setting,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	
feeling,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	
association.	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	

The carriage house is in need of repair. The physical condition of the building is poor. In recent years, the roof has been replaced and/or repaired to the extent that it no longer allows water to intrude from above. The siting of the building at the front of the building at grade has led to the deterioration of the wooden sills, and the lower portion of the vertical framing members. The building noticeably sags down towards the center of the building. Two ad-hoc supports have been added to the interior space of the ground floor to shore the structure, and appear to have served this function for many years.

The integrity of the building is high. The only aspect of integrity that may have been diminished is that of design. The area of the building that has lost some design integrity is the ground floor second and third building bays. This is further limited by the absence of any specific knowledge of when the changes to the façade occurred. The siding on the exterior could be replaced, as it does not match the interior framing, or the owner could have altered the plan before the building was completed. It is assumed that if the façade has been altered, the change occurred in the first quarter of the 20th century with the improvements of transportation and the changing from reliance of horses to the acquisition of the automobile.

DETERMINATION

1. **Since the property is an historical resource, is the proposed project as currently proposed consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).**

The proposed project would entail the near reconstruction of the existing building into a two-story residence. Elements of the existing building that would remain would include an augmented framing system, the majority of the exterior cladding, and the mansard roof design. The proposed façade, as presently submitted for review will no longer maintain the constituent components of a carriage house. Should the proposed project proceed as submitted, the resulting building would maintain integrity of location, workmanship and setting only, loosing integrity of design, materials, feeling and association.

As proposed, the project is inconsistent with the following Secretary of the Interior's Standards for Rehabilitation:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The building is a carriage house, which has had periodic residential uses on the upper floor. The residential uses historically have not altered the façade beyond the insertion of a sliding glass door into the pre-existing opening of the hayloft.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The project as proposed will not maintain the character of a carriage house, but will produce a building that appears strictly residential. It entails the removal of the existing dormer, and façade openings that characterize the building as a carriage house.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements, from other buildings, shall not be undertaken.

There is no physical or other documentary evidence to demonstrate to suggest that this carriage house – itself an historic resource, ever had a greater level of ornamentation than what exists today. Additional ornamentation is purely conjectural, and serves merely to disguise the historic functions of the building.

4. Most Properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

It is not known if the existing façade arrangement is altered or original, therefore pending further investigation of the building, it can not be conclusively determined if there have been changes to the building, and when they may have occurred. If they occurred within the period of significance, the changes themselves (i.e. the present façade arrangement) ought to be preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The proposed project removes the distinctive dormer, and replaces it with a tower feature that is a different size and character than that of the original design of the building, likewise the proposed façade arrangement alters what may be an original or early alteration of the ground floor.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property and its environment. The new work shall be differentiated from the old to protect the historic integrity of the

property and shall be compatible with the massing, size, scale, and architectural details to protect the historic integrity of the property and its environment.

The proposed project alters the historic materials of the carriage house that characterize the building as a carriage house. The new work is incompatible with the historic architectural detailing of the utilitarian nature of the building.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The addition of the new tower feature will entail the removal of the historic fabric of the existing dormer, and the proposed façade of the ground floor will further remove historic material. If, in the future, the new elements were to be removed, the building would no longer be able to be returned to its essential form of a carriage house without a near-complete reconstruction. The only elements that would remain are the shape of the mansard roof, and secondary facades.

2. **If material impairments are noted, what character-defining features of the building or district could be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable but do not mitigate the project's adverse effects.**

Several options that would not overwhelm the utilitarian nature of the building and allow the carriage house to be used for a residence exist.

The side entry last used for carriages or automobiles can be re-opened and infilled with a glass wall, with or without reconstructed barn doors – fixed in the open position. The central bay can be used for residential doors within the existing opening, and the single window maintained. On the second floor, the sliding glass door can be replaced with a fixed glass lower panel, and an operable casement window within the existing opening. The southern side of the building can be modified with a dormer to allow for access to light and air with new windows and doors onto the roof of a reconstructed non-historic carport.

A restoration approach can be employed, where the former symmetry of the façade is restored. The first bay's single window can be replicated onto a reconstructed wall of the third building bay, and the larger central bay enlarged to its former width. Within this large opening, a modern glass entry with sidelights and transom can be installed. Treatment of the second floor as noted above.

Each option can make full use of the range of architecturally patterned shingles on the mansard roof, similar to that found on the main house. A multi-colored

exterior paint scheme can further add to the embellishment of the western façade of the carriage house.

4. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

☒ Yes ☐ No ☐ Unable to determine

It is unlikely that the project itself would have any material impairment to the main residence, the other part of the landmark site. There will be resulting impairments of the setting and feeling of the landmark site overall, with a change of the relationship between the two buildings as primary residence, and ancillary structure.

CHAPTER IX

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